



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

38 CIVIL APPLICATION NO. 12082 OF 2025  
IN FAST/24718/2025

BABU KHADIR NURASE DIED THR LRS KHAJAMIYA BABU  
NURASE  
VERSUS  
THE EXECUTIVE ENGINEER

WITH CIVIL APPLICATION NO. 9793 OF 2025  
IN FAST/24718/2025 WITH CIVIL APPLICATION NO. 9792 OF  
2025 IN FAST/24718/2025

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Advocate for Applicant : Mr. Naiknavare Ramesh Vitthal.  
AGP for Respondents-State : Mr. S. V. Hange.  
Advocate for Respondent No.1 : Mr. R. A. Tambe.

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CORAM : SHAILESH P. BRAHME, J.  
DATE : 11.11.2025

PER COURT :-

1. The respondent/acquiring body has deposited 75% of the amount with accrued interest in pursuance of the earlier orders of this Court. The amount deposited is sought to be withdrawn.
2. Learned counsel for the applicants rely on the register relinquishment deed to buttress that applicant No.1 Khajamiya Babu Nurase is entitled to receive the amount as remaining applicants have relinquished their interest.

3. Application is supported by affidavit and relinquishment deed is registered one. I find no difficulty in permitting applicant No.1 to receive the amount.

4. Civil application is partly allowed by permitting applicant No.1 Khajamiya Babu Nurase to receive 50% amount on furnishing undertaking and 25% on furnishing solvent security/surety to the satisfaction of the Registrar (Judicial).

5. Leave to delete multiple names of Khajamiya Babu Nurase. Amendment shall be carried out forthwith.

#### **Civil Application for Delay**

6. Applicant/acquiring body seeks to condone delay of 738 days in preferring first appeal.

7. For the reasons stated in the application, it is desirable to condone the delay. Delay is condoned. Civil application is allowed.

#### **First Appeal**

8. **Admit.**

9. Learned AGP waives service of notice for respondents-State. Learned counsel waives service of notice for respondents/claimants.

10. Call for Record and Proceedings from the concerned Court.

11. Print is dispensed with.

**Civil Application for Stay**

12. As the amount has been deposited by the acquiring body in pursuance of the order passed by this Court, ad-interim relief granted earlier shall stand confirm. Civil application for stay is disposed of.

**(SHAILESH P. BRAHME, J.)**

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vmk/-