

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

47 CIVIL APPLICATION NO. 12490 OF 2025
IN FA/2196/2025
WITH
CIVIL APPLICATION NO. 7979 OF 2024
IN FA/2196/2025
WITH
CIVIL APPLICATION NO. 12491 OF 2025
IN FA/2196/2025

MURLIDHAR RAMCHANDRA KHAIRE DIED THR HIS LRS PRAYAGBAI
MURLIDHAR KHAIRE

VERSUS

THE STATE OF MAHARASHTRA THROUGH COLLECTOR OSMANABAD AT
OSMANABAD

...

Advocate for Applicant : Mr. Madhav Jadhav h/r Mr. More Abhijit S
AGP for Respondent nos. 1 & 2 : Mr. S.V. Hange
Advocate for Respondent No. 3 : Mr. Mukul S. Kulkarni

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CORAM : SHAILESH P BRAHME, J.

DATE : 20.11.2025

PER COURT :

The applicant seeks to substitute heirs of claimant Murlidhar Ramchandra Khaire. The application is within time. The cause of action survives against the legal heirs of deceased claimant.

2. The Civil Application is allowed in terms of prayer clause 'B' to 'D'.

CA NO. 12491/2025 FOR WITHDRAWAL OF AMOUNT :

3 The applicant seeks to withdraw Rs. 1,26,348/-. It is only 75% of the amount of awarded compensation deposited in pursuance of orders of this Court. In similarly situated matter, the claimants were permitted to withdraw the amount deposited on certain conditions. I propose to follow

same course.

4. The Civil Application is allowed permitting the applicant to receive 75% of the deposited amount with accrued interest on furnishing undertaking and 25% of the amount with accrued interest on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court.

FIRST APPEAL :

5. **Admit.** Learned counsel Mr. Jadhav h/f Mr. More, learned counsel, waives service for the respondent-Claimant. Learned A.G.P waives service for respondent/State.

6. Call for record and proceedings.

7. Print is dispensed with.

APPLICATION FOR STAY :

8. As the entire amount is deposited, interim relief granted earlier shall stand confirmed.

9. The Civil Application is disposed of.

(SHAILESH P. BRAHME, J.)

mkd/-