



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**67 CIVIL APPLICATION NO. 12799 OF 2025
IN FAST/22156/2024**

**MADHUKAR BANSIDHAR PALKAR THR POA
CHANDRASHEKHAR MADHUKAR PALKAR AND ANR.**

VERSUS

**THE STATE OF MAHARASHTRA THROUGH DEPUTY
COLLECTOR, J.P. 2, AURANGABAD AND ANR.**

**WITH CIVIL APPLICATION NO. 8508 OF 2024
IN FAST/22156/2024 WITH
CIVIL APPLICATION NO. 13759 OF 2025
IN FAST/22156/2024 WITH
CIVIL APPLICATION NO. 8509 OF 2024
IN FAST/22156/2024**

...

Advocate for Applicants : Mr. Rodge Suresh N.
AGP for Respondent/s-State : Mr. N. R. Dayma.
Advocate for Respondent No.2 : Mr. Rahul A. Tambe.

...

**CORAM : SHAILESH P. BRAHME, J.
DATE : 16.12.2025**

PER COURT :-

1. Applicants seek to condone delay of 1291 days in setting aside abatement and bringing legal heirs of respondent No.1 Madhukar Bansidhar Palkar on record.
2. The cause of action survives as against his legal heirs. Those are necessary parties. It is desirable to condone the delay.

3. Civil application is allowed in terms of prayer clauses “B and C”.

Civil Application for Delay

4. Applicant seeks to condone delay of 1660 days in preferring first appeal. The condonation of delay and repercussions on the public exchequer, there is nothing to castigate the bonafides of the applicant. The delay stands condoned.

5. Civil application for delay is allowed.

First Appeal

6. **Admit.**

7. Learned AGP waives service of notice for respondent-State. Learned counsel Mr. Rodge waives service of notice for respondent/claimant.

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

9. Print is dispensed with.

Civil Application for Withdrawal of amount

10. Heard both sides.

11. Applicants seek to withdraw amount of Rs.96,01,019/- deposited by the respondent/acquiring body.

12. Learned counsel Mr. Tambe submits that compensation is exorbitant. It is composite one for land, trees and the structure. It is submitted that it will be unsafe to disburse entire amount to the applicants.

13. Considering the facts and circumstances of the matter, ends of the justice would be met in permitting the applicants to receive 75% of the amount with accrued interest on certain conditions.

14. Civil application is allowed partly.

15. Applicant shall receive 50% of the amount with accrued interest on furnishing undertaking and further 25% on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this court.

16. Balance amount shall be invested in any nationalized bank.

Civil Application for Stay

17. As the entire amount has been deposited in pursuance of the order of this Court, ad-interim relief granted earlier, if any, shall stand confirm.

18. Civil application for stay is disposed of.

(SHAILESH P. BRAHME, J.)

...

vmk/-