



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

46 CIVIL APPLICATION NO. 7377 OF 2025
IN FA/2569/2024

UTRESHWAR ATMARAM MANGLE (DIED) THR. LRS BHIVA
(DIED) THR. LRS SHIVAJI (DIED) THR LRS BABRUWAN
VERSUS
THE STATE OF MAHARASHTRA AND ORS

WITH CIVIL APPLICATION NO. 7390/2025 IN FA/2567/2024
WITH CIVIL APPLICATION NO. 7382/2025 IN FA/2568/2024
WITH CIVIL APPLICATION NO. 7381/2025 IN FA/2568/2024
WITH CIVIL APPLICATION NO. 7389/2025 IN FA/2570/2024
WITH CIVIL APPLICATION NO. 7385/2025 IN FA/2566/2024
WITH CIVIL APPLICATION NO. 7387/2025 IN FA/2570/2024
WITH CIVIL APPLICATION NO. 7383/2025 IN FA/2566/2024
WITH CIVIL APPLICATION NO. 7379/2025 IN FA/2569/2024
WITH CIVIL APPLICATION NO. 14982/2018 IN FA/2567/2024
WITH CIVIL APPLICATION NO. 14990/2018 IN FA/2568/2024
WITH CIVIL APPLICATION NO. 14988/2018 IN FA/2569/2024
WITH CIVIL APPLICATION NO. 14984/2018 IN FA/2570/2024
WITH CIVIL APPLICATION NO. 14986/2018 IN FA/2566/2024

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Advocate for Applicants: Mr. Humbe Vilas M.
AGP for Respondent/s-State : Mr. D. B. Bhange.

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CORAM : SHAILESH P. BRAHME, J.
DATE : 21.07.2025

PER COURT :-

1. Heard both sides.
2. These are the applications soliciting condonation of delay, setting aside abatement and bringing legal heirs of the claimants on record.

3. The applications are opposed by the learned AGP
4. The cause of action survives against heirs who are sought to be brought on record. These are the claimants who lost their lands and they are seeking compensation. For the reasons stated in the civil applications, it is desirable to condone the delay and permit them to bring legal heirs on record.
5. In fact these applications should have been filed by the respondents/acquiring body being appellants of the first appeals.
6. Civil applications are allowed.
7. The delay in preferring appeals is condoned, abatement is set aside, heirs of the deceased/claimants shall be brought on record.
8. Amendment to be carried out within a period of two (2) weeks from today.

In Civil Applications for Withdrawal

9. These are the applications for withdrawal of amount. The respondents/acquiring body have deposited the amount which is detail in the following chart :

Sr. No.	First Appeal No.	Amount deposited
1.	FA/2569/2024	Rs.8,58,480/-
2.	FA/2567/2024	Rs.5,28,963/-
3.	FA/2568/2024	Rs.7,19,737/-
4.	FA/2570/2024	Rs.7,71,765/-
5.	FA/2566/2024	Rs.4,24,904/-

10. Learned AGP has opposes the disbursement of the amount to the claimants. It is contended that exorbitant compensation has been granted and they are not entitled to receive the same.

11. After considering rival submissions of the parties, I find that applicants are entitled to receive the compensation. I, therefore, pass following order :

ORDER

- (i) Civil applications for withdrawal of amount are partly allowed.
- (ii) The applicants shall be entitled to receive 50% of the amount on furnishing undertaking and further 25% of the amount on furnishing surety/security to the satisfaction of the Registrar (Judicial) of this Court.
- (iii) Balance amount shall be invested in fixed deposit in any Nationalized Bank till further orders.
- (iv) Civil Applications stand disposed of.

In First Appeals

12. **Admit.**

13. Learned counsel Mr. Humbe waives service of notice for original respondents/claimants.

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

In Civil Applications for Stay

15. Civil applications for stay are disposed of as entire amount has been deposited and the ad-interim relief granted earlier shall stand confirmed.

(SHAILESH P. BRAHME, J.)

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vmk/-