



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

**72 CIVIL APPLICATION NO. 8539 OF 2023
IN FAST/528/2023**

**THE EXECUTIVE ENGINEER JALGAON MEDIUM PROJECT
DIVISION JALGAON**

VERSUS

LAXMAN BUDHA BORASE

**WITH FIRST APPEAL NO. 1869 OF 2025 WITH
FIRST APPEAL NO. 1870 OF 2025 WITH CIVIL APPLICATION
NO. 13532 OF 2025 IN FAST/528/2023 WITH CIVIL
APPLICATION NO. 13678 OF 2025 IN FAST/528/2023**

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Advocate for Applicant : Mr. Deepak B. Rasve h/f Mr. Pawar
Ajay D.

AGP for Respondent/s-State : Mrs. M. N. Ghanekar.

Advocate for respective Respondents : Mr. A. H. Korhalkar.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 10.12.2025

PER COURT :-

Civil Application No.13678 of 2025

1. Learned counsel for the applicants in FAST No.528 of 2023 informs that sole claimant Laxman Budha Borase died and a separate application is already filed in the Office. A photo copy of the application is tendered on record. Office shall register the application. The cause of action survives against legal heirs of the deceased claimant. They are necessary parties. It is desirable to condone the delay.

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

3. Leave to correct prayer clause.

Civil Application for Delay

4. The acquiring body seeks to condone delay of 198 days in preferring first appeal. There is no reason to castigate the bonafides. The delay stands condoned.

5. Civil application is allowed.

First Appeals

6. **Admit.**

7. Learned AGP waives service of notice for respondent-State. Learned counsel Mr. Korhalkar waives service of notice for respondent Nos.1 to 5.

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

9. Print is dispensed with.

Civil Application for Withdrawal

10. The applicants are praying for disbursement of the amount of Rs.13,53,088/-. My attention is adverted to the

orders passed by the Co-ordinate Bench in similarly situated matters permitting the applicant/s to receive 75% amount on certain conditions. There is no reason to deviate from the view taken by earlier Benches.

11. Civil application is allowed partly permitting the applicants to receive 50% amount on furnishing undertaking with accrued interest and 25% on furnishing solvent security/security to the satisfaction of the Registrar (Judicial).

12. The balance amount shall be invested in any nationalized bank.

(SHAILESH P. BRAHME, J.)

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vmk/-