

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

933 CIVIL APPLICATION NO. 13802 OF 2025
IN FA/1948/2020

Shahuraj Dadarao Dawkare, Died, Through his LRs
Janabai Shahuraj Dawkare (Salunke) And Ors.

VERSUS

The Executive Engineer, Lift Irrigation Division, Osmanabad And Ors.

...

Mr. Vikas S. Tanwade - Advocate for Applicants

Mr. B. A. Shinde - AGP for State

Mrs. Vaishali S. Swami h/f Mr. Mahesh C. Swami - Advocate for
Respondent No. 1

...

AND

CIVIL APPLICATION NO. 13801 OF 2025
IN FA/1948/2020

Shahuraj Dadarao Dawkare, Died, Through LRs.
Janabai Shahuraj Dawkare (Salunke) And Ors.

VERSUS

The Executive Engineer, Lift Irrigation Division, Osmanabad And Ors.

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Mr. Vikas S. Tanwade - Advocate for Applicants

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Respondent No. 1

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CORAM : NEERAJ P DHOTE, J.

DATED : 17TH DECEMBER, 2025

PER COURT : -

CIVIL APPLICATION NO. 13802 OF 2025: -

1. This is an Application by the legal representatives of the deceased Shahuraj Dadarao Dawkare, who is the original Claimant. The copy of the Death Certificate showing the name of deceased Shahurao is enclosed with the present Application. The copy of the Execution Application showing the names of the Applicants herein as the legal

heirs of the Deceased Shahurajis also enclosed with the present Application. On this basis, the Advocate for the Applicants submits that the Application be allowed.

2. The learned Advocate for the Acquiring Body has no objection to allow the Application.

3. In view of the above, the Application is allowed in terms of prayer clause 'B' and 'C' thereof. The amendment be carried out within a period of four (4) weeks.

CIVIL APPLICATION NO. 13801 OF 2025: -

1. This is an Application for withdrawal of 1/3rd share by the Applicants, who are the legal representatives of the Deceased – Claimant – Shahurao Dadarao Dawkare.

2. The present Appeal is preferred by the Acquiring Body. There is no dispute that the Land Acquisition Reference No. 767 of 2011 was filed by the Original Claimants, namely, Vishwanath Dadarao Dawkare, Shahuraj Dadarao Dawkare, Bhagirathi Dnyanoba Dawkare, Jitendra Dnyanoba Dawkare and Anil Dnyanoba Dawkare. The names of Bhagirathi Dnyanoba Dawkare and Anil Dnyanoba Dawkare are shown to be deleted in the said Reference.

3. It is submitted by the learned Advocate for the Applicants that, the Applicants are the legal representatives of the deceased Shahuraj Dadarao Dawkare and their names as legal representatives are brought on record in the Execution Proceedings. He submits that, the legal representatives of other original deceased Claimants have withdrawn the amount to the extent of their 1/3rd share as per order dated 4th August, 2023 passed in Civil Application No. 3522 of 2023 in First Appeal No.

1948 of 2020 and order dated 4th October, 2025 in Civil Application No. 10977 of 2025 in First Appeal No. 1948 of 2020. He submits that the Application be allowed.

4. The learned Advocate for the Acquiring Body does not dispute the aforesaid aspects and submits that the Application be allowed.

5. In view of the above undisputed position, the Applicants are allowed to withdraw 1/3rd of the 70% amount deposited by the Acquiring Body under the Award along with interest accrued thereon, on furnishing regular undertaking to the satisfaction of the Registrar (Judicial) of this Court. The balance amount, if any, be invested in any Nationalized Bank.

6. The Application stands disposed off.

[NEERAJ P. DHOTE]
JUDGE

SG Punde