

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

941 CIVIL APPLICATION NO. 11915 OF 2025
IN FAST/40861/2019

Namdev Maruti Gadkar (died) Thr Lrs Avidabai And Ors

VERSUS

The Ex. Engineer, Osmanabad Irrigation Division No. 1 Osmanabad Thr
G.m.i.d.c., Aurangabad

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Mr. Raviprasad K. Ashtekar - Advocate for Applicant

Mr. B. A. Shinde - AGP for State

Mr. Sudhir G. Bhalerao - Advocate for Respondent No. 1

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WITH

CIVIL APPLICATION NO. 5388 OF 2022 IN FAST/40861/2019

CIVIL APPLICATION NO. 11916 OF 2025 IN FAST/40861/2019

CIVIL APPLICATION NO. 5391 OF 2022 IN FAST/40861/2019

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CORAM : NEERAJ P DHOTE, J.

DATED : 02ND DECEMBER, 2025

PER COURT : -

CIVIL APPLICATION NO. 11915 OF 2025: -

1. This is an Application by the legal representative of the
Original Claimant – Namdev Maruti Gadkar.

2. Learned Advocate for the Applicants submits that the names
of the Applicants are brought on record by the Executing Court in the
Regular Darkhast No. 649 of 2016. He tenders across the bar the
certified copy of cause title of the said Darkhast Proceeding.

3. The learned Advocate for the Acquiring Body submits that the appropriate orders on this Application be passed.

4. Considering that these Applicants are brought on record by the Executing Court in the Execution Proceeding, the Application is allowed in terms of prayer clause 'B' thereof.

5. The Appellant/Acquiring Body to carry out the necessary amendment in the Appeal memo and the connected Applications within a period of eight (8) weeks.

6. Application stands disposed off.

CIVIL APPLICATION NO. 5388 OF 2022: -

1. This is an Application for condonation of 2210 days delay in preferring the First Appeal by the Acquiring Body against the Judgment and Award passed by the learned Reference Court in L.A.R. No. 100 of 2010.

2. Heard both the sides.

3. For the reasons mentioned in the Application, the Application is allowed in terms of prayer clause 'B' thereof.

4. The Application stands disposed off.

CIVIL APPLICATION NO. 5391 OF 2022: -

1. This is an Application for stay to the effect and operation of the Judgment and Award dated 02.09.2013 passed by the learned Civil Judge Senior Division, Osmanabad in L.A.R. No. 100 of 2010.

2. The Acquiring Body has deposited the entire amount under the Award in this Court. Hence, the Application is allowed in terms of prayer clause 'B' thereof, and disposed off.

CIVIL APPLICATION NO. 11916 OF 2025: -

1. This is an Application for withdrawal of the amount deposited by the Acquiring Body under the impugned Award.

2. Learned Advocate for the Applicant submits that, since the Applicants are the legal heirs of the Deceased-Claimant and who are brought on record by the Executing Court in the Regular Darkhast Darkhast, the amount deposited by the Acquiring Body under the Award, be transferred to the Executing Court with liberty to the Applicants to file an Application for withdrawal of the same before the Executing Court.

3. The learned Advocate for the Acquiring Body submits that, the enhancement is exorbitant and, therefore, the Application may not be allowed.

4. Considering the submissions made by the learned Advocate

for the Applicants, the following order is passed: -

ORDER

- [i] This Application is allowed to be withdrawn with liberty to file afresh before the Executing Court for withdrawal of the amount.
- [ii] The 75% of the amount out of the amount under the Award deposited by the Acquiring Body along with interest accrued thereon be transferred to the Executing Court. The remaining 25% amount be invested in Fixed Deposit initially for a period of three (3) years and thereafter, it be renewed from time to time until further orders.
- [iii] If the Claimant / legal heirs of the Claimant file an Application for withdrawal of the amount before the Executing Court, the same be considered in accordance with law.
- [iv] The Application stands disposed off accordingly.

[NEERAJ P. DHOTE]
JUDGE