



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

943 CIVIL APPLICATION NO. 11455 OF 2024
IN FAST/27525/2024 WITH
CIVIL APPLICATION NO. 11456 OF 2024
IN FAST/27525/2024

EXECUTIVE ENGINEER MINOR IRRIGATION DIVISION
OSMANABAD

VERSUS

ABDUL RAZZAK CHAND PATEL (PATIL) AND ORS

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Advocate for Applicant : Mr. Dande Shrirang Shashishekhar.

AGP for Respondent/s-State : Mr. B. A. Shinde.

Advocate for Respondent No.1 : Mr. Madake Datta A.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 25.06.2025

PER COURT :-

1. Applicants are seeking condonation of delay of 3040 days in preferring first appeal.

2. Learned counsel Mr. Dande appearing for applicant would rely upon paragraph Nos.2 to 9 of the application for condonation of delay. He would submit that unreasonable compensation has been granted by the Reference Court. The matter needs to be heard on merits considering repercussions of the public exchequer.

3. Learned counsel Mr. Madake would oppose the submissions.

4. After hearing both the sides, I find that there are good grounds mentioned in the application. Those are not controverted by the respondents. There are no malafides on the part of the applicant in preferring appeal. Mr. Dande, learned counsel for the applicant is right in contending that money of public exchequer is involved. I find it fit to allow the civil application by imposing certain conditions. It transpires from the record that applicant has deposited Rs.24,95,858/-. Part of the said amount can be permitted to be withdrawn on certain conditions.

5. Civil application is allowed in terms of prayer clause "A" on condition that respondent/claimant is permitted to withdraw 50% of the amount with accrued interest on furnishing undertaking and 25% on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial). Balance amount shall be invested in any Nationalized Bank.

In First Appeal

6. **Admit.**

7. Learned counsel Mr. Madake waives service of notice for respondent No.1. Learned AGP waives service of notice for respondents/State.

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

9. Respondent/claimant is permitted to withdraw 50% of the amount with accrued interest on furnishing undertaking and 25% on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial). Balance amount shall be invested in any Nationalized Bank.

In Civil Application for Stay

10. As entire amount under award has been deposited, ad-interim stay granted earlier shall stand confirmed.

11. Civil Application is disposed of.

(SHAILESH P. BRAHME, J.)

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vmk/-