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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

951 CIVIL APPLICATION NO. 4328 OF 2025
IN FAST/25760/2023

MOHAN LIMBA KAWADE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
WITH
CIVIL APPLICATION NO. 13856 OF 2023
IN FAST/25760/2023

THE GODAVARI MARATHWADA IRRIGATION DEVELOPMENT
CORPORATION THROUGH EXECUTIVE ENGINEER
VERSUS
MOHAN LIMBA KAWADE
WITH
CIVIL APPLICATION NO. 13857 OF 2023
IN FAST/25760/2023

THE GODAVARI MARATHWADA IRRIGATION DEVELOPMENT
CORPORATION THROUGH EXECUTIVE ENGINEER
VERSUS
MOHAN LIMBA KAWADE

Mr.L.C.Patil, Advocate for the applicant.
Ms.D.S.Jape, AGP for respondent Nos. 1 and 3.
Mr.Vaibhav Dhage h/f Mr.R.B.Gaikwad, Advocate for respondent No.2.

(CORAM : PRAFULLA S. KHUBALKAR, J.)

DATE : MAY 2, 2025

PER COURT :

1. This is an application by the applicants-claimants

/respondents in the appeal for withdrawal of the entire amount deposited by the appellant/acquiring body in the office of this Court alongwith the interest accrued thereon.

2. Heard the learned Advocate for the applicants-claimants and the learned Advocate for the acquiring body.

3. The learned Advocate for the appellants in identical matters from the same project, based on the same notification, this Court had passed order dated 25.03.2025 allowing the claimants therein for withdrawal of the entire amount. He, therefore, requests for passing of the identical order in this application.

4. There is no dispute that the applicants in the present application are similarly situated with the applicants in the aforementioned application. Hence, I see no legal impediment to allow the application on the same terms as were imposed vide order dated 25.03.2025.

5. The applicants are permitted to withdraw the entire

amount deposited by the acquiring body alongwith interest accrued thereon. Out of the same, 75% amount is permitted to be withdrawn on furnishing usual undertaking to the satisfaction of Registrar (Judicial) of this Court and remaining 25% amount is permitted to be withdrawn on submitting solvent security/surety to the satisfaction of the Registrar (Judicial) of this Court.

6. CA No.4328/2025 is disposed of.

CIVIL APPLICATION NO. 13856 OF 2023

7. This is an application for condonation of delay in filing the first appeal. The learned Advocate for the appellant submits that the delay occurred because of completion of procedural formalities in obtaining sanction for filing of the appeal and for making arrangement for Court Fees.

8. Considering the reasons mentioned in paragraph No.3 of the civil application, the delay of 296 days in filing the first appeal is condoned subject to costs of Rs.2,000/- to be paid by the appellant with the Advocate Associations' Bar Library, High Court, Aurangabad within 4 weeks from today. The civil application is disposed of.

CIVIL APPLICATION NO.13857 OF 2023

9. The learned Advocate for the applicant submits that pursuant to the order dated 02.08.2024, the entire amount of the award alongwith interest is deposited in this Court and requests for confirmation of the interim relief. The learned Advocate for the respondents / claimants do not dispute the position of deposit of amount.

10. In view of this, interim relief granted by order dated 02.08.2024, stands confirmed.

(PRAFULLA S. KHUBALKAR, J.)