



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

**CIVIL APPLICATION NO. 4331 OF 2025
IN FAST/25756/2023**

**APPA BABA KAWADE
VERSUS
THE STATE OF MAHARASHTRA AND ORS**

...

Shri Patil Laxmikant C., Advocate for the Applicant.
Shri K.N. Lokhande, AGP for Respondent Nos.1 and 3/State.
Shri Vaibhav Dhage, Advocate h/f Shri Ranjit B. Gaikwad,
Advocate for Respondent No.2.

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**WITH
CIVIL APPLICATION NO. 13825 OF 2023
IN FAST/25756/2023**

**WITH
CIVIL APPLICATION NO. 13826 OF 2023
IN FAST/25756/2023**

**THE EXE. ENGINEER M.I.D. NO.2, OSMANABAD AND
ORS**

**VERSUS
APPA S/O BABA KAWADE**

...

Shri Vaibhav Dhage, Advocate h/f Shri Ranjit B. Gaikwad,
Advocate for the Applicant.
Shri Patil Laxmikant C., Advocate for Respondent/ Claimant.

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CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 11th June, 2025

Per Court :-

Civil Application No.4331/2025

1. This is an application by the claimant /respondent 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 applicant/ claimant and the learned advocate for the acquiring body.

3. Learned Advocate for the applicant submits that in identical matters from the same project, based on the same notification, this Court had passed order dated 02.05.2025 in Civil Application No.4328/2025 (***Mohan Limba Kawade vs. The State of Maharashtra and others***) allowing the claimant 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 applicant in the present application is similarly situated with the applicant in the aforementioned application. Counsel for the appellant does not dispute this position. Hence, I see no legal impediment to allow the application on the same terms as were imposed vide order

dated 02.05.2025.

5. The applicant is 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 Out of the same, 75% amount is permitted to be withdrawn on furnishing usual undertaking to the satisfaction of Registrar (Judicial) of this Court and remaining 25% amount is permitted to be withdrawn on submitting solvent security/surety to the satisfaction of the Registrar (Judicial) of this Court.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. Civil Application No.4331/2025 is, accordingly, disposed of.

Civil Application No.13825/2023

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 the civil application, the delay of 283 days in filing the first appeal is condoned subject to costs of Rs.2,000/- (Rupees Two Thousand)

to be paid by the appellant with the Bar Library of the Advocates' Association of Bombay High Court, Bench at Aurangabad, within four weeks from today. The civil application is disposed of.

Civil Application No.13826/2023

9. The learned Advocate for the applicant/ appellant submits that pursuant to the order dated 09.11.2023, 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 respondent / claimant does not dispute the position of deposit of amount.

10. In view of this, interim relief granted by order dated 09.11.2023, stands confirmed.

11. The Civil Application is, accordingly, disposed of.