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952-CA-4536-25

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

952 CIVIL APPLICATION NO. 4536 OF 2025 IN FAST/15523/2023

SHASHIKANT WAMANACHARYA AHANKARI DIED THR LRS AND ORS

VERSUS

THE STATE OF MAHARASHTRA AND ANR

...

WITH

CIVIL APPLICATION NO. 4537 OF 2025 IN FAST/15523/2023

SHASHIKANT WAMANACHARYA AHANKARI DIED THR LRS AND ORS

VERSUS

THE STATE OF MAHARASHTRA AND ANR

...

WITH

CIVIL APPLICATION NO. 9110 OF 2023 IN FAST/15523/2023

THE EXECUTIVE ENGINEER PROJECT STRENGTHENING DIVISION OMERGA  
DIST OSMANABAD AND ANR

VERSUS

SHASHIKANT WAMANACHARYA AHANKARI

Advocate for Applicant : Mr. L. C. Patil

AGP for Respondent No.1: Mr. S. S. Dande

Advocate for Respondent No.2 : Mr. R. A. Tambe

...

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 30.04.2025

PER COURT :-

CIVIL APPLICATION NO. 4536 OF 2025 IN FAST/15523/2023

1. This is an application seeking condonation of delay in filing Civil

Application for bringing on record legal representatives of deceased respondent No.1 and setting aside abatement.

2. Heard the learned counsel for the appellants.

3. Considering the submissions advanced and the reasons mentioned in Paragraph Nos.2, 3 and 4, the delay of 519 days in filing the Civil Application is condoned, subject to cost of Rs. 3000/- to be paid to the **Advocate Association's Bar Library, High Court, Aurangabad**. Names of legal representatives of respondent No.1 are permitted to be brought on record. Necessary amendment be carried out within a period of two weeks from today.

4. Abatement against respondent No.1 is set aside. The Civil Application is disposed of.

**CIVIL APPLICATION NO. 4537 OF 2025 IN FAST/15523/2023**

1. This is an application seeking withdrawal of the amount deposited by the acquiring body in this Court. The proceedings are with respect to project having File No. 1999/LNQ/KK/CR-29.

2. Learned Advocate for the applicants submits that in identical

cases from the same project, orders are passed by this Court permitting withdrawal of amounts and produces on record orders passed by this Court dated 05.12.2017 and 02.08.2019, in which this Court directed the applicants in those applications to withdraw the amount of 50% of the deposited amount on furnishing usual undertaking and remaining 25% of the deposited amount was directed to be withdrawn on furnishing solvent surety to the satisfaction of the learned Registrar (Judicial) of this court. Thus, it would be appropriate to pass similar order in the present case. Hence, the following order :

**ORDER**

- i. The Civil Application is allowed.
- ii. The applicants are permitted to withdraw 50% of the amount deposited with accrued interest on furnishing usual undertaking to the satisfaction of the learned Registrar (Judicial) of this court. Further 25% of the amount deposited with accrued interest to be withdrawn on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this Court.
- iii. The Civil Application is accordingly disposed of.

**CIVIL APPLICATION NO. 9110 OF 2023 IN FAST/15523/2023**

1. By order dated 25<sup>th</sup> July 2023, *interim relief* in terms of prayer clause “B” was granted subject to deposit of 75% of the amount of compensation along with proportionate interest within the period of twelve weeks. Adv. Tambe, Learned Advocate for the applicant submits that the amount of 75% as directed is deposited within the time. The learned counsel for the respondents does not dispute the position.

2. In view of this, *interim relief* granted by order dated 25<sup>th</sup> July 2025 stand confirmed.

( PRAFULLA S. KHUBALKAR, J. )

PRW