



- 1 -

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**902 CIVIL APPLICATION NO. 6268 OF 2025
IN FA/435/2016**

TULSHIRAM KHANDU SABNE DIED THROUGH LRS DATTA
TULSHIRAM SABNE AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR,
OSMANABAD AND ANOTHER

WITH

**CIVIL APPLICATION NO. 1077 OF 2016
IN FA/435/2016**

YADAV KHANDU SABNE AND ANOTHER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

Mr.M.P.Tripathi, Advocate for the Applicants.
Mr.S.S.Dande, Advocate for Respondent No.2.
Mr.V.M.Kagne, AGP for Respondent No.1.

**(CORAM : RAVINDRA V. GHUGE AND
Y.G.KHOBRAGADE, JJ.)**

DATE : JUNE 25, 2025

PER COURT :

1. By Civil Application No.6268/2025, the applicants pray for a clarification with reference to the order dated 12.08.2021, passed by this Court, to which one of us (Ravindra V. Ghuge, J.) is a party. We have heard the learned Advocates for the Applicants and for the MIDC.

Though there are 2 Advocates on record appearing for Yadav Khandu, none are present in the Court.

2. We notice that the order dated 12.08.2021 was passed by the consent of the parties in a group of Civil Applications. In that group, Civil Application No.1077/2016 was also mentioned. Actually, this Application pertains to objections raised by the Applicants for opposing the withdrawal of the amounts by Tulshiram Khandu Sabne. Immediately, after passing of the order on 12.08.2021, the Applicant in CA No.6379/2020 (Respondent in the Appeal), namely Tulshiram Khandu passed away on 07.09.2021.

3. Since in the order dated 12.08.2021, we observed that the Applications are allowed, the Registry has taken a view that if CA No.1077/2016 filed by Yadav Khandu b/o Tulshiram Khandu was also allowed, it would mean that the objections are accepted. Apparently, this has occurred on account of confusion arising out of the statement of all the Applicants that the applications be allowed.

4. In view of the above, until the Application raising

objections to the Application of the present Applicants seeking withdrawal of the amount, is not decided on its merits, and in view of the inadvertent order that the CA No.1077/2016 is also allowed, the LR's of Tulshiram Khandu can not withdraw the amounts.

5. In view of the above, CA No.6379/2020 and CA No.1077/2016 will have to be restored to the file of this Court. Hence, the order dated 12.08.2021 is recalled to the extent of these 2 Civil Applications. Both the Civil Applications shall be restored to the file of this Court. Liberty to the Applicants before us, i.e. the LR's of deceased Tulshiram Khandu, to move an application in CA No.6379/2020 for bringing them on record as L Rs. If such an application is filed, the said Civil Application, along with CA Nos. 1077/2016 and CA No.6379/2020, would be heard together.

6. With the above directions, **this Civil Application is disposed off.**

(Y.G.KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)