

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 11256 OF 2025
IN
FIRST APPEAL(ST) NO. 31473 OF 2023**

State Of Maharashtra Through
The Executive Engineer And Anr. ...Applicants
Versus
Sandipan Dhondi Mane Deceased
Through His Legal Heirs And Ors. ...Respondents

**WITH
INTERIM APPLICATION NO. 16051 OF 2024
IN
FIRST APPEAL(ST) NO. 31473 OF 2023**

Sandipan Dhondi Mane Deceased
Through His Legal Heirs And Ors. ...Applicants
Versus
State Of Maharashtra Through
The Executive Engineer And Anr. ...Respondents

Mr. Vaibhav R. Gaikwad in IA 16051/2024
Mr. Anand S. Shalgaonkar AGP for the State in IA 11256/2025

**CORAM : SHIVKUMAR DIGE, J.
DATE : 17th DECEMBER, 2025.**

P.C.

INTERIM APPLICATION NO. 11256 OF 2025:

1. Heard learned counsel for the applicant-State. By this application, the applicant is seeking condonation of delay of 311 days

in filing the appeal.

2. Considering the submissions of the learned counsel for the applicant and the reasons mentioned in the application, the delay of 311 days is condoned. The application is allowed and disposed off.

3. The Appeal be registered.

INTERIM APPLICATION NO. 16051 OF 2024:

4. Heard learned counsel for the applicant and learned counsel for the respondent-State.

5. It is contention of learned counsel for applicant that the land of the applicant is acquired by the respondent-State. The respondent-State has deposited entire enhanced amount. The applicant needs the amount for his daily expenses. Hence, requested to allow the application.

6. Learned counsel for the respondent-State objected to allow the application on the ground that Reference Court has awarded exorbitant and excessive compensation. Hence, requested to reject the application.

7. I have heard both learned counsels. Considering the submissions of both the counsels as well as land of the applicant is

already acquired, the grounds raised by the respondent-State can be considered at the time of final hearing of the appeal. Hence, I pass following order:

ORDER

- I. The application is allowed.
 - II. The applicants are permitted to withdraw 50% amount alongwith accrued interest thereon out of the deposited amount on furnishing usual undertaking.
 - III. Allowing 50% withdrawal of amount does not mean that the Court is considering the claim of the respondents made before the Reference Court.
8. The application is disposed off in above terms.

(SHIVKUMAR DIGE, J.)