

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION ST NO. 25126 OF 2023
IN
FIRST APPEAL(ST) NO. 25125 OF 2023

The State Of Maharashtra
(thr. The Executive Engineer) ...Applicants
Versus
Dhanaji Pandurang Pawale And Anr. ...Respondents

WITH
INTERIM APPLICATION NO. 11258 OF 2025
IN
FIRST APPEAL(ST) NO. 25125 OF 2023

Dhanaji Pandurang Pawale And Anr. ...Applicants
Versus
The State Of Maharashtra
(thr. The Executive Engineer) ...Respondent

Mr. Vaibhav R. Gaikwad in IA 11258/2025
Mr. S. H. Yadav, AGP for the State in IAST 25126/2025

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

P.C.

INTERIM APPLICATION ST NO. 25126 OF 2023:

1. Heard learned counsel for the applicant-State. By this application, the applicant is seeking condonation of delay of 307 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 30 days is condoned. The application is allowed and disposed off.

3. The Appeal be registered.

INTERIM APPLICATION NO. 11258 OF 2025:

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.)