

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 13215 OF 2024
IN
FIRST APPEAL(ST) NO. 25936 OF 2023

The State Of Maharashtra Through
Executive Engineer And Anr. ...Applicants
Versus
Dhairyashil Hanmant Nichal ...Respondent

WITH
INTERIM APPLICATION NO. 11255 OF 2025
IN
FIRST APPEAL(ST) NO. 25936 OF 2023

Dhairyashil Hanmant Nichal ...Applicant
Versus
The State Of Maharashtra Through
Executive Engineer And Anr. ...Respondents

Mr. Vaibhav R. Gaikwad in IA 11255/2025
Mr. Nitin B. Patil AGP for the State in IA 13215/2024

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

P.C.

INTERIM APPLICATION NO. 13215 OF 2024:

1. Heard learned counsel for the applicant-State. By this application, the applicant is seeking condonation of delay of 306 days in filing the appeal.

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2. Considering the submissions of the learned counsel for the applicant and the reasons mentioned in the application, the delay of 306 days is condoned. The application is allowed and disposed off.

3. The Appeal be registered.

INTERIM APPLICATION NO. 11255 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.)