IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

955 CIVIL APPLICATION NO. 12863 OF 2026
IN FAST/8117/2023

ASARAM MANIRAM SALAMPURE DECEASED THR LRS
MOHANSINGH AND ORS.
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
...
Mr. P. K. Nikam, Advocate for Applicants
Mr. S. P. Sonpawale, AGP for Respondent-State
Mr. S. V. Deshmukh, Advocate for Respondent No.3

WITH
CIVIL APPLICATION NO. 3327 OF 2023
IN FAST/8117/2023
WITH
CIVIL APPLICATION NO. 3326 OF 2023
IN FAST/8117/2023
WITH
FIRST APPEAL (STAMP) NO. 8117 OF 2023

CIDCO AURANGABAD CHIEF OFFICER CIDCO
VERSUS
ASARAM MANIRAM SALAMPURE DIED THROUGH HIS LRS
...

CORAM : AJIT B. KADETHANKAR, J.

DATED : 30th October 2026

P.C. :-

CIVIL APPLICATION NO. 12863 OF 2026

. Taking exception to the judgment and award dated 07.03.2022 passed by the learned 7th Joint Civil Judge, Senior Division, Aurangabad in Land Acquisition Reference No.455 of 1998, the CIDCO has filed the first appeal. On demonstrating

the merit in the appeal to challenge the quantum, this Court stayed the execution and operation of the judgment and award impugned in the first appeal on a condition that the CIDCO shall deposit 75% of the award amount.

2. Accordingly, the said amount is deposited together with interest. On this backdrop, this application is filed by the applicants seeking withdrawal of the deposited amount. Learned Advocate for the appellant – CIDCO has opposed the application.

3. Considering the fact that the interest of the appellant - CIDCO is already secured by this Court thereby granting concession from depositing 25% of the awarded amount, I deem it appropriate to allow the application, however with some rider. Hence I pass following order :

ORDER

I. Civil Application is allowed.

II. The applicants are permitted to withdraw the amount deposited by the acquiring body in this Court together with interest accrued thereon on furnishing an undertaking to the satisfaction of the learned Registrar (Judicial) of this Court.

III. Civil Application stands disposed of.

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. This application is filed seeking condonation of delay of 194 days caused in filing the appeal.

2. It is submitted that the delay caused in filing the first appeal is attributable merely to administrative exigencies. There was neither lethargy nor negligence on the part of the appellant in causing the delay. It is further submitted that the appellant - CIDCO has deposited the amount in this Court as directed by this Court.

3. It is further submitted that by another order passed by this Court today, the said amount is also permitted to be withdrawn by the claimants. In view of this, it is submitted that the matter needs to be heard on merits and delay deserves to be condoned.

4. After going through the contents of the application, I find that the application falls within the parameters laid down by the Hon'ble Supreme Court in the case of ***Sheo Raj Singh (Deceased through LRs.) & Ors. V/s Union of India and ors. [Civil Appeal No.5867 of 2015 dtd.09-10-2023].*** Hence, the following order :

O R D E R

I. Civil Application stands allowed. Delay caused in filing the first appeal stands condoned.

II. First Appeal be registered, subject to removal of office objections, if any.

FIRST APPEAL

. Issue notice to the respondents. Mr. P. K. Nikam, learned Advocate waives notice for the respondents/claimants.

2. Call record and proceedings.

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. Since the appellant – CIDCO has complied with the order passed by this Court, stay granted earlier is made absolute.

2. The execution and operation of the impugned judgment and award shall remain stayed till the disposal of the first appeal.

3. Civil Application stands disposed of.

(AJIT B. KADETHANKAR, J.)

PRW