IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 10687 OF 2026
IN FA/446/2025
WITH
CIVIL APPLICATION NO. 10686 OF 2026
IN FA/446/2025

RADHIKABAI NAVANATH PATIL (DIED) THR. LRS. BALASAHEB DIED THR HIS LRS SHASHIKALA AND ORS.
VERSUS
THE STATE OF MAHARASHTRA, THROUGH THE COLLECTOR, OSMANABAD AND ORS.
...
Advocate for Applicant : Mr. More Abhijit S.
AGP for Respondent Nos. 1 & 3 : Ms. D.S. Jape
Advocate for Respondent No. 2 : Mr. Satish B. Parnere
…

CORAM : MANJUSHA DESHPANDE, J.
DATE : 08TH OCTOBER, 2026

PER COURT :

Application for withdrawal of amount :

1. Pursuant to the order passed by this Court on 05.12.2024, a conditional stay of the impugned judgment and award was granted, subject to the deposit of the entire amount within a period of twelve weeks.

2. In furtherance of the order passed by this Court, the acquiring body has deposited the entire amount on 20.01.2026, in view of

the deposit of the interim amount, the Respondents/claimants have filed the present Application seeking withdrawal of the amount.

3. Considering the fact that the hearing of the Appeal is likely to take some time, the Civil Application for withdrawal of amount is partly allowed. Hence, I pass the following order :

ORDER

i. The Applicants are permitted to withdraw 50% of the amount deposited in this Court subject to furnish an undertaking to the satisfaction of Registrar (Judicial) of this Court and 25% shall be withdrawn after furnishing surety/security to the satisfaction of the Registrar (Judicial) of this Court. The balance of 25% of the amount shall be kept in fixed deposit in any nationalized bank till final disposal of the Appeal.

ii. Civil Application stands disposed of.

Application for legal heirs :

4. The Civil Application has been filed by the Applicants for bringing the legal heirs of Respondent no. 1 in the Appeal filed by the acquiring body on record. Respondent no. 1 expired on 01.11.2024, leaving behind him the proposed legal heirs no. 1-a to 1-e as stated in the

title clause of the Application. The claim of the legal heirs is also supported by the heirship certificate issued by the Sarpanch of the village.

5. Since they are necessary party in the First Appeal, the Civil Application is allowed in terms of prayer clause ‘B’ by condoning the delay of 561 days. Civil Application stands disposed of.

6. The necessary amendment for bringing the legal heirs of Respondent no. 1, on record, in the First Appeal shall be made within a period of two weeks.

7. If the necessary Amendment is carried out for bringing the legal heirs on record, the Applicant shall take steps to withdraw the amounts as per the order passed by this Court in Civil Application no. 10687/2026.

(MANJUSHA DESHPANDE, J.)

SPC