IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

934 CIVIL APPLICATION NO. 11440 OF 2026
IN FA/2834/2022
WITH
CIVIL APPLICATION NO. 2026 OF 2021
IN FA/2834/2022

THE SUPERINTENDING ENGINEER, (JALGAON IRRIGATION PROJECT CIRCLE, JALGAON) T.D.C. JALGAON AND ANR.
VERSUS
MD. TAHER CHOUTUMIYA DESHMUKH AND ORS.
...
Mr. S. S. Chillarge, Advocate for Applicants
Mr. S. P. Sonpawale, AGP for Respondent Nos.2 and 3 – State
Mr. A. H. Paralkar h/f. Mr. B. S. Chondhekar, Advocate for Respondent No.1
...

CORAM : AJIT B. KADETHANKAR, J.
DATED : 1st October 2026

P.C. :-

CIVIL APPLICATION NO. 11440 OF 2026

. This Civil Application is filed with a composite prayer for condonation of delay in filing the application, for setting aside abatement, and for permission to amend the title clause of the appeal and applications, therein.

2. It is submitted that during the pendency of the First Appeal, respondent No.1 namely Md. Taher Choutumiya Deshmukh is learnt to be no more. Some time is elapsed in gathering the names of legal representatives of respondent

No.1. In view of this, the application is filed to bring on record legal representatives of deceased respondent No.1 i.e. respondent Nos.1A to 1G as mentioned in paragraph 2 of the application.

3. For the reasons stated in the application, the same is allowed. Delay caused in filing the application stands condoned. Abatement, if any, is quashed and set aside.

4. Within four weeks from today, the appellants shall amend the title clause of the appeal and applications therein, if any, by incorporating the names of legal representatives of deceased respondent No.1 i.e. respondent Nos.1A to 1G.

5. Civil Application stands disposed of.

CIVIL APPLICATION NO. 2026 OF 2021

6. In view of the order passed in Civil Application No.11440 of 2026, the appellants have amended the title clause of this application. By way of amendment, the name of respondent No.1 stands deleted and names of respondent Nos.1A to 1G are added as legal representatives of deceased respondent No.1.

7. Feeling aggrieved by the judgment and award dated 22.02.2019 passed by the learned 3rd Joint Civil Judge, Senior

Division, Jalgaon in Land Acquisition Reference No.75 of 2013, the appellants have filed the First Appeal.

8. Issue notice to the respondents on 07.01.2027. Mr. A. H. Paralkar h/f. Mr. B. S. Chondhekar, learned Advocate waives service of notice for the newly added respondents/claimants.

9. Mr. S. S. Chillarge, learned advocate for the acquiring body submits that there are strong hopes of success in the First Appeal. That, during the pendency of the First Appeal, if execution and operation of the impugned judgment and award is not stayed, the very purpose of First Appeal shall stand frustrated.

10. Considering this, execution and operation of the impugned judgment and award is stayed till returnable date on condition that the appellants deposit the entire payable decretal/award amount in this Court within a period of twelve weeks from today.

FIRST APPEAL NO.2834 OF 2022

11. Pursuant to the order passed by this Court in Civil Application No.11440 of 2026, the appellants have amended the title clause of the appeal.

12. Issue notice to the respondents, returnable on 07.01.2027. Mr. A. H. Paralkar h/f. Mr. B. S. Chondhekar, learned Advocate waives service of notice for the newly added respondents/claimants.

(AJIT B. KADETHANKAR, J.)

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