IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

939 CIVIL APPLICATION NO. 11416 OF 2026
IN FAST/28672/2025
SHANTABAI CHINTAMAN KATHAR DIED THROUGH LR
BHIKAN CHINTAMAN KATHAR
VERSUS
THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION
NO 1, AURANGABAD

WITH CIVIL APPLICATION NO. 11094 OF 2025
IN FAST/28672/2025

AND

940 CIVIL APPLICATION NO. 11418 OF 2026
IN FAST/28668/2025
CHANDRABHAGABAI DHONDIBA KAPSE
VERSUS
THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION
NO 1, AURANGABAD

WITH CIVIL APPLICATION NO. 11092 OF 2025
IN FAST/28668/2025

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Advocate for Applicants : Ms. Maya Jamdhade h/f Mr. Narendra Jamdhade
AGPs for Respondent/s-State : Ms. P. V. Diggikar. Ms. Dr. Kalpalata Patil Bharaswadkar, respectively.
Advocate for Respondent No.1 : Mr. S. G. Bhalerao.
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CORAM : MANJUSHA A. DESHPANDE, J.
DATE : 09.10.2026

PER COURT :-

1. Civil Applications are filed by the claimants, who are the original applicants, for withdrawal of amount deposited by the appellant/acquiring body. The acquiring body has deposited

75% of the amount under award as per the order passed by this Court on 07.10.2025.

2. The Civil Applications for withdrawal are opposed by the learned advocate for the acquiring body. The learned advocate for the acquiring body submits that, he has raised contentious issues in the appeals, therefore, the claimants should not be allowed to withdraw the entire amount.

3. According to the applicants, the award is passed in 2015 and in spite of that, till date the applicants have been deprived or enjoying the fruits of the award. Therefore, they may be permitted to withdraw the entire amount with accrued interest.

4. In view of the submissions made by the respective learned advocates, Civil Applications are partly allowed by permitting the applicants to withdraw 50% of the total amount deposited by appellant on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court and 25% on furnishing solvent surety/security to the Registrar (Judicial) of this Court.

5. Civil Applications stand disposed of accordingly.

Civil Applications for Delay

6. All these appeals have been filed by the acquiring body. There is a delay of 3790 and 3457 days in filing the respective First Appeals.

7. The applicants stated that, the impugned judgment and award was not communicated by the concerned lawyer to the applicants in time and the acquiring body was also not made a party respondent by the original claimants to the proceedings. Only when the claimants had approached the acquiring body for making payment in accordance with the judgment and award, the Authority of the department gained knowledge about the judgment and award passed against them. After receiving the knowledge, they have collected papers and undertaken the usual procedure for taking approvals from the various officers in the hierarchy of the department and thereafter they have filed the appeals which has consumed such long time. It is submitted that, the delay is not intentional or deliberate.

8. Learned advocate for the respondents opposes the condonation of delay.

9. Considering the reasons stated in the applications, which are satisfactory, the delay is condoned. Civil Applications are allowed by condoning the delay of 3790 and 3457 days.

10. Civil Applications are disposed of accordingly.

(MANJUSHA A. DESHPANDE, J.)

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vmk/-