2026:BHC-AUG:54110

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 12953 OF 2026
IN FAST/14845/2023

Sitaram Totaram Nhavi Died Through Legal Representatives
VERSUS
The Superintending Engineer Tapi Vikas Mahamandal Jalgaon
...
Mr. D. B. Rasve h/f Mr. B. S. Chondhekar, Advocate for Applicants
Mr. K. B. Jadhavar, AGP for Respondent-State
Mr. B. L. Patil h/f Mr. A. D. Pawar, Advocate for Respondent nos.1 and 2

WITH
CIVIL APPLICATION NO. 12954 OF 2026
IN FAST/14845/2023
WITH
FIRST APPEAL (STAMP) NO. 14845 OF 2023
WITH
CIVIL APPLICATION NO. 10199 OF 2023
IN FAST/14845/2023
WITH
CIVIL APPLICATION NO. 10200 OF 2023
IN FAST/14845/2023
.....

CORAM : AJIT B. KADETHANKAR, J.

DATED : 31ST OCTOBER, 2026

P.C. :-

CIVIL APPLICATION NO. 12953 OF 2026

. It is submitted that during pendency of the First Appeal, respondent no.6 Ahilyabai Paithankar is expired. It is submitted that the legal representatives of deceased Ahilyabai

are already on record in the form of applicant nos.1 to 5 and 7. In view of this following order:

ORDER

a. Civil Application stands allowed.

b. Appellants to amend the title clause of the First Appeal and the applications therein by deleting the name of respondent no.6 Ahilyabai.

c. Suffice to note, respondent nos.1 to 5 and 7 shall be treated as legal representatives of deceased Ahilyabai.

d. Civil application stands disposed of.

CIVIL APPLICATION NO. 12954 OF 2026

. This application is filed by the claimants seeking withdrawal of the amount deposited by the Aquiring Body in this Court. Feeling aggrieved by the judgment and award passed by the Reference Court, the Acquiring Body filed this Appeal. While seeking stay to the execution and operation of the judgment and award, Acquiring Body deposited 50% of the award amount. On this backdrop, present Civil Application is filed for withdrawal of the said amount. The interest of the Acquiring Body is already protected by this Court, thereby restricting deposit to the extent of 50%.

2. In view of the above, I deem it appropriate to allow the Civil Application. Hence following order:

ORDER

a. Civil application stands allowed.

b. Applicant nos.1 to 5 and 7 are permitted to withdraw the amount deposited by the Acquiring Body in this Court.

c. Suffice to note, since the legal representatives of deceased applicant no.6 are already on record, the share of deceased applicant no.6 - Ahilyabai shall be shared equally amongst the other applicants.

d. Applicants shall withdraw the amount by furnishing usual undertaking to the satisfaction of Learned Registrar (Judicial) of this court.

e. Civil application stands disposed of.

CIVIL APPLICATION NO. 10199 OF 2023

. Feeling aggrieved by the judgment and award dated 27.03.2019 passed in Land Acquisition Reference Number 68 of 2013, Acquiring Body has filed this Appeal. The Appeal is barred by delay of 1390 days. It is submitted that the delay is caused due to administrative exigencies. It is further submitted that on account of securing various approvals as

also the funds for filing the First Appeal, same could not be filed within time. It is submitted that the Appeal constitutes good ground of merits, and hence this Court has directed Acquiring Body to deposit only 50% of the award amount while staying execution and operation of the impugned judgment and award.

2. Learned advocate for the claimants prays to pass appropriate order.

3. I have gone through the text of the application. I find that the reasons for condonation of delay are well described in the application. The application meets 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 following order:

ORDER

a. Civil Application stands allowed.

b. Delay of 1390 days caused in filing the First Appeal is hereby condoned.

c. First appeal be registered.

FIRST APPEAL ST. NO.14845 OF 2023

. Issue notice to the respondents. Mr. B. S. Chondekar, learned Advocate waives service of notice for respondent nos.1 to 5 and 7.

2. The Record and Proceedings be called.

3. Stand over to 21.12.2026.

CIVIL APPLICATION NO. 10200 OF 2023

. It is apprised that the Acquiring Body/applicants have complied with the directions given by this Court to deposit 50% of the award amount in this Court. By another order passed by this Court today, the said amount is permitted to be withdrawn by the claimants. In view of this, stay granted earlier is made absolute. Civil application stands disposed of. Execution and operation of the impugned judgment and award stands stayed till disposal of the First Appeal.

(AJIT B. KADETHANKAR, J.)

Rushikesh/2026