



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

35 CIVIL APPLICATION NO. 2859 OF 2026
IN FAST/33531/2023

KAISHALYABAI DIGAMBAR GHOGARE DIED HER LRS
VERSUS
EXECUTIVE ENGINEER

WITH CIVIL APPLICATION NO. 1440 OF 2024 IN
FAST/33531/2023 WITH CIVIL APPLICATION NO. 1441 OF
2024 IN FAST/33531/2023 WITH CIVIL APPLICATION NO.
1445 OF 2024 IN FAST/33536/2023 WITH CIVIL
APPLICATION NO. 1444 OF 2024 IN FAST/33536/2023 WITH
CIVIL APPLICATION NO. 1442 OF 2024 IN FAST/33540/2023
WITH CIVIL APPLICATION NO. 1443 OF 2024 IN
FAST/33540/2023

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Advocate for Applicant : Ms. Vaishali Arun Shinde.
AGP for Respondent/s-State : Mr. S. N. Morampalle.
Advocate for respective Respondent/s : Mr. Anil M. Gaikwad.

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CORAM : SHAILESH P. BRAHME, J.
DATE : 13.03.2026

PER COURT :-

1. Heard both sides.
2. Applicant seeks to withdraw amount of Rs.1,90,14,918/-. Reliance is placed on order passed by Co-ordinate Bench in First Appeal No.82 of 2024 and connected matters. I find no difficulty in adopting the same course.
3. Learned counsel appearing for the respondent/acquiring body has pointed out that enhancement is exorbitant. The

interest of the acquiring body can be safeguarded by withholding 25% of the amount.

4. Civil application is allowed partly permitting the applicant to receive 75% of the amount with accrued interest on furnishing undertaking to the satisfaction of the Registrar (Judicial) of this Court.

5. The balance amount shall be invested in the nationalized bank.

Civil Applications for Delay

6. Applicants seek to condone delay in preferring first appeals.

7. The contents have not been controverted by the claimants. There is no reason to infer any malafides on the part of the acquiring body in preferring first appeals belated. The delay stands condoned.

8. Civil applications for delay are allowed.

First Appeals

9. **Admit.**

10. Learned counsel Ms. Shinde waives service of notice for respondent/claimant.

11. Call for Record and Proceedings from the concerned Court.

12. Print is dispensed with.

Civil Applications for Stay

13. As the amount has been deposited in pursuance of the earlier orders, ad-interim relief granted earlier shall stand confirm.

14. Civil applications are disposed of.

(SHAILESH P. BRAHME, J.)

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vmk/-