



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

**974 CIVIL APPLICATION NO. 4889 OF 2026  
IN FAST/24850/2024**

VYANKAT SO DAGDOBA DIGOLE

VERSUS

THE EXECUTIVE ENGINEER, (LATUR MINOR IRRIGATION), DIVISION,  
LATUR.

**WITH**

**CIVIL APPLICATION NO. 4935 OF 2026 IN FA(ST)/24844/2024**

BABU S/O GOVIND KENDRE THROUGH LRS

VERSUS

THE EXECUTIVE ENGINEER (LATUR MINOR IRRIGATION) DIVISION,  
LATUR AND OTHERS

**WITH**

**CIVIL APPLICATION NO. 4936 OF 2026 IN FA(ST)/24836/2024**

PRABHU S/O GOVIND KENDRE THROUGH LRS

VERSUS

THE EXECUTIVE ENGINEER (LATUR MINOR IRRIGATION) DIVISION,  
LATUR AND OTHERS

**WITH**

**CIVIL APPLICATION NO. 4897 OF 2026**

**IN FAST/25376/2024**

CHAND ALI SO SAYYAD ALI

VERSUS

THE EXECUTIVE ENGINEER(LATUR MINOR IRRIGATION) DIVISION,  
LATUR AND ORS.

**WITH**

**CIVIL APPLICATION NO. 4898 OF 2026**

**IN FAST/25388/2024**

BHAGWAN SO TULSIRAM PHAD DIED THROUGH HIS LEGAL REPR.  
LAXMAN AND ORS.

VERSUS

THE EXECUTIVE ENGINEER, (LATUR MIOR IRRIGATION), DIVISION,  
LATUR AND ORS.

**WITH**

**CIVIL APPLICATION NO. 9932 OF 2024**

**IN FAST/24844/2024**

THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION, LATUR AND  
ORS

VERSUS

BABU GOVIND KENDRE

**WITH  
CIVIL APPLICATION NO. 4890 OF 2026  
IN FAST/24856/2024**

LAXMAN SO RAOSAHEB PHAD  
VERSUS  
THE EXECUTIVE ENGINEER, (LATUR MINOR IRRIGATION) DIVISION,  
LATUR.

**WITH  
CIVIL APPLICATION NO. 4891 OF 2026  
IN FAST/24847/2024**

PRASAD SO MANOHAR PHAD  
VERSUS  
THE EXECUTIVE ENGINEER, (LATUR MINOR IRRIGATION) DIVISION,  
LATUR AND ORS.

**WITH  
CIVIL APPLICATION NO. 4892 OF 2026  
IN FAST/24836/2024**

PRABHU SO GOVIND KENDRE DIED THROUGH HIS LEGAL  
REPRESENTATIVES

VERSUS  
THE EXECUTIVE ENGINEER  
**WITH  
CIVIL APPLICATION NO. 4893 OF 2026  
IN FAST/24844/2024**

BABU SO GOVIND KENDRE DIED THROUGH HIS LEGAL  
REPRESENTATIVES

VERSUS  
THE EXECUTIVE ENGINEER  
**WITH  
CIVIL APPLICATION NO. 4895 OF 2026  
IN FAST/24853/2024**

PRAKASH SO RAMRAO PHAD  
VERSUS  
THE EXECUTIVE ENGINEER, (LATUR MINOR IRRIGATION) LATUR AND  
ORS.

**WITH  
CIVIL APPLICATION NO. 9925 OF 2024  
IN FAST/24847/2024**

THE EXECUTIVE ENGINEER AND ORS  
VERSUS  
PRASAD MANOHAR PHAD

**WITH  
CIVIL APPLICATION NO. 9927 OF 2024  
IN FAST/24840/2024**

THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION, LATUR AND  
ORS  
VERSUS  
SHRIHARI TULSIRAM PHAD

**WITH  
CIVIL APPLICATION NO. 9939 OF 2024  
IN FAST/24833/2024**

THE EXECUTIVE ENGINEER AND ORS  
VERSUS  
BAJIRAO GANGARAM PHAD

**WITH  
CIVIL APPLICATION NO. 9933 OF 2024  
IN FAST/24853/2024**

THE EXECUTIVE ENGINEER AND ORS  
VERSUS  
PRAKASH RAMRAO PHAD

**WITH  
CIVIL APPLICATION NO. 4896 OF 2026  
IN FAST/24840/2024**

SHRIHARI SO TULSIRAM PHAD.  
VERSUS  
THE EXECUTIVE ENGINEER (LATUR MINOR IRRIGATION) DIVISION,  
LATUR AND ORS.

**WITH  
CIVIL APPLICATION NO. 9937 OF 2024  
IN FAST/24850/2024**

THE EXECUTIVE ENGINEER AND ORS  
VERSUS  
VYANKAT DAGADOBA DIGOLE

**WITH  
CIVIL APPLICATION NO. 10058 OF 2024  
IN FAST/25388/2024**

THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION, LATUR AND  
ORS  
VERSUS  
BHAGAWAN S/O TULSIRAM PHAD (DIED) THR. LRS. LAXMAN AND ORS

**WITH  
CIVIL APPLICATION NO. 9923 OF 2024  
IN FAST/24836/2024**

THE EXECUTIVE ENGINEER AND ORS  
VERSUS  
PRABHU GOVIND KENDRE

**WITH  
CIVIL APPLICATION NO. 10056 OF 2024  
IN FAST/25376/2024**

THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION, LATUR AND  
ORS  
VERSUS  
CHAND ALI SAYYAD ALI SAYYAD

**WITH  
CIVIL APPLICATION NO. 9930 OF 2024  
IN FAST/24856/2024**

THE EXECUTIVE ENGINEER AND ORS  
VERSUS  
LAXMAN RAOSAHEB PHAD

**WITH  
CIVIL APPLICATION NO. 9931 OF 2024  
IN FAST/24844/2024**

THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION, LATUR AND  
ORS  
VERSUS  
BABU GOVIND KENDRE

...

Advocate for applicants / claimants : Mr. N.D. Kendre (All CAs)  
Addl.GP for the respondent – State : Mr. A.R. Kale (in all matters)  
Advocate for respondent no. 1 : Mr. H.P. Jadhav (Acquiring Body – All CAs)

...

**CORAM : SHAILESH P. BRAHME, J.**

**DATE : 24 APRIL 2026**

**PER COURT :**

Civil Applications No. 4935 fo 2026 and 4936 of 2026,  
seeking withdrawal of the amounts not on Board. Upon mentioning,  
taken on Board.

**DELAY AND LRS**

2. Applicants in CA / 4892 /2026 seek to condone delay of 4672 days in preferring the Appeal in setting aside the abatement and bringing the LRS of deceased appellant – Prabhu S/o Govind Kendre on record.

3. Applicants in CA / 4893 /2026 seek to condone delay of 186 days in preferring the Appeal in setting aside the abatement and bringing the LRS of deceased appellant – Babu S/o Govind Kendre on record.

4. The cause of action survives against the heirs of the deceased. No *mala fides* are noticed in preferring the appeal / s belatedly. Delay stands condoned. Abatement is set aside. Leave is granted to the parties to carry out the amendment. Civil Applications are disposed of.

**DELAY**

5. Applicants seek to condone delay ranging from 543 days.

6. Averments of the applications have not been controverted by the respondents. There is no reason to infer any oblique motive on the part of the Acquiring Body in preferring the appeal / s belatedly. Delay stands condoned. Civil Applications are disposed of.

**WITHDRAWAL**

7. Applicants seek withdrawal of various amounts deposited by the respondent – Acquiring Body.

8. Both the parties state that only 50% of the amount is deposited by the Acquiring Body. Ends of justice would be met by allowing the applicants to receive the amount deposited in this Court with accrued interest.

9. Civil Applications are allowed partly.

10. Applicants are permitted to withdraw the amounts deposited by the Acquiring Body, respectively, with accrued interest on furnishing undertaking to the satisfaction of the Registrar (Judicial) of this Court.

**STAY**

11. Learned counsel for the Acquiring Body seeks time to deposit the amount.

12. Time of 12 weeks is granted to deposit the amount.

**[ SHAILESH P. BRAHME ]  
JUDGE**

arp/