



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

77 CIVIL APPLICATION NO. 4746 OF 2024
IN FA/3494/2022

JYOTI BHAGWANSING RAJPUT AND ORS

VERSUS

ANANDSINGH DAULATSINGH RAJPUT DIED THROUGH LRS VANITA
ANANDSING RAJPUT AND ORS

...

Mr. D A. Mane, Advocate for Claimants

Mr. S. N. Morampalle, AGP for Respondent/s-State

Mr. Chetan Trimbakrao Jadhav, Advocate for Respondent Nos.2 to 4

Mr. G. S. Khaire h/f. Mr. S. S. Dande, Advocate for Respondent Nos.6 and 7

WITH

CIVIL APPLICATION NO. 10172 OF 2024
IN FA/3494/2022

1 SURAJSING BHAGWANSING RAJPUT AND ORS

VERSUS

1 OFFICER INCHARGE OFFICER AND ORS

...

Mr. Chetan Trimbakrao Jadhav, Advocate for Applicants/Claimants

Mr. S. N. Morampalle, AGP for Respondent/s-State

Mr. G. S. Khaire h/f. Mr. S. S. Dande, Advocate for Respondent Nos.1 and 2

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CORAM : SHAILESH P. BRAHME, J.

DATE : 13.02.2026

PER COURT :-

CIVIL APPLICATION NO. 4746 OF 2024

. Heard both sides.

2. The applicants are the daughters of Bhagwansingh. Anandsingh Rajput and Bhagwansingh Rajput are real brothers. Their land was acquired by the respondent – acquiring body. LAR No.366 of 2010 was filed by (1) Anandsingh Rajput (2) Surajsingh Rajput (3) Prakashsingh Rajput and (4) Lilabai Bhagwansingh Rajput. It was decided on 22.12.2021. Being aggrieved, the acquiring body has preferred the first appeal.

3. The applicants seek to intervene in the appeal for the first time on the ground that they have inherited share in the property of their father, Bhagwansingh which is undivided. They have preferred **RCS No.18 of 2000** for partition and possession and the amount of compensation is also the subject matter, which is pending before the Competent Court. It is contended that the parties to the appeal namely Surajsingh, Prakashsingh and Lilabai did not implead them despite having share in the compensation. They are stated to be necessary parties.

4. Learned counsel for respondent nos.1 to 4 would oppose the submissions. It is submitted that the applicants did not approach the acquiring body or the Reference Court in time and their claim cannot be entertained for the first time in this Court. It is further contended that the suit filed by them is contested on a plea that there was already partition during the lifetime of

Bhagwansingh and they are separated. My attention is adverted by Mr. Mane, learned counsel to the judgment of coordinate bench in the matter of Vithabai vs. State of Maharashtra reported in 2007 (2) Mh.L.J. 817. The applicants have raised arguable and contentious issues regarding their entitlement. *Prima facie*, their claim cannot be brushed aside at this juncture. This Court also cannot be oblivious of the fact that they did not approach the Competent Authority or the Reference Court to agitate their right. This Court is of the considered view that, instead of discarding their right at this juncture, it would be appropriate to permit them to intervene in the First appeal.

5. Civil Application is disposed of by permitting the applicants to intervene in the matter. The acquiring body shall implead them as party – defendants.

CIVIL APPLICATION NO. 10172 OF 2024

6. The applicants are seeking modification of order dated 14.06.2024.

7. It is submitted by learned counsel for the applicants that already by order dated 14.06.2024, the coordinate bench permitted the claimants to receive 50% of the deposited amount on certain conditions. The order was further modified on 12.08.2024. The claimants are now seeking disbursement

of the balance amount as it was permitted by this Court.

8. The application is contested by newly added claimants. It is submitted that all heirs of Bhagwansingh are entitled to $1/8^{\text{th}}$ share each. Accordingly the newly added claimants or intervenors seek disbursement of the amount in their favour. The exclusive disbursement of the amount to the applicants is opposed.

9. I have permitted the intervenors' application observing that contentious issues are raised which cannot be dealt with at this juncture of the proceeding.

10. It transpires from the record that Rs.6,57,99,649/- was deposited by the acquiring body vide order dated 14.06.2024. The coordinate bench permitted the applicants to withdraw 50% of the amount on certain conditions. There is no dispute that Anandsingh Daulatsingh Rajput is entitled to receive 50% amount. Accordingly he was disbursed amount of Rs.1,64,83,415/- in pursuance of order passed by this Court. The present controversy pertains to the balance Rs.1,64,83,415/- with accrued interest.

11. Already the order passed by this Court is operating in the field. The heirs of Bhagwansingh are entitled to the balance amount but there are inter se disputes amongst them. RCS No.1 of 2026 is subjudice. By approximate calculation, $1/8^{\text{th}}$ share comes to Rs.20,00,000/- At this juncture, I am inclined to permit the applicants to receive Rs.1,00,00,000/- on the same terms and conditions as referred in the order dated 14.06.2014.

ORDER

- i. Civil Application is allowed partly.
- ii. The applicants shall receive the amount of Rs.1,00,00,000/- on the same condition as stated in the order dated 14.06.2014 in equal proportion.
- iii. The balance amount which is allottable to the heirs of Bhagwansingh shall be invested in a nationalized bank. It shall not be disbursed till the final disposal of the suit.
- iv. It is clarified that no further application for disbursement shall be entertained at the instance of the present applicants.

(SHAILESH P. BRAHME, J.)