



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

49 CIVIL APPLICATION NO. 13768 OF 2025
IN FAST/8478/2024
WITH
CIVIL APPLICATION NO. 13770 OF 2025
IN FAST/8478/2024
WITH
CIVIL APPLICATION NO. 13769 OF 2025
IN FAST/8478/2024
WITH
CIVIL APPLICATION NO. 7882 OF 2024
IN FAST/8478/2024

SITARAM SURATRAM GHUNAWAT
VERSUS
THE EXECUTIVE ENGINEER, GODAWARI MINOR IRRIGATION
DEPARTMENT

...
Advocate for Applicant/Claimant : Mr. Pingale Durgesh Madhukar
Advocate for Acquiring Body : Mrs. Kalpalata Patil-Bharaswadkar

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

DATE : 10.02.2026

PER COURT :

CIVIL APPLICATION FOR WITHDRAWAL OF AMOUNT

Heard both sides.

2. The applicant seeks to withdraw amount of Rs. 60,03,478/- deposited by the respondent-Acquiring Body. It is submitted by the learned counsel for the applicant that in similarly circumstanced matters, decided by common judgment, the Acquiring Body decided not to prefer appeal. For that purpose reliance is placed on a letter dated 23.02.2024. In this backdrop, it is claimed that the applicant is entitled to receive the amount deposited.

3. The application is objected by the counsel for the Acquiring Body. It is

submitted that first appeal is bound to succeed on various counts including that the interest under Section 28 of the Land Acquisition Act was awarded from the date of notification instead of award.

4. There is substance in the submissions of the learned counsel for the Acquiring Body. Ends of justice would be met in permitting the applicant to receive 75% of the amount deposited with accrued interest on furnishing undertaking.

5. The Civil Application is allowed partly permitting the applicant to receive 75% of the amount deposited with accrued interest on furnishing undertaking to the satisfaction of the Registrar (Judicial) of this Court. Balance amount shall be invested in any Nationalized bank.

6. The Civil Application is disposed of.

CIVIL APPLICATION No. 13770/2025 FOR DELAY CONDONATION

7. The applicant-Acquiring Body seeks to condone delay of 622 days in filing First Appeal. There is no reason to cast any doubt, for the reasons stated in the application.

8. The delay stands condoned.

9. The Civil Application is disposed of.

CIVIL APPLICATION NO. 7882 OF 2024 :

10. The Applicant-Acquiring Body seeks leave to prefer appeal, as it was not party before the Reference Court.

11. The respondent no. 3 in the reference Court was under the administration of the present applicant. Applicant is necessary party. Leave is granted.

FIRST APPEAL :

12. **Admit.** Learned counsel Mr. Pingale waives service for the respondent/Claimant. Learned A.G.P waives service for respondent/State.

CIVIL APPLICATION FOR STAY

13. As the entire amount is deposited, interim relief granted earlier shall stand confirmed.

14. The Civil Application is disposed of.

(SHAILESH P. BRAHME, J.)

mkd/-