



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**935 CIVIL APPLICATION NO. 11 OF 2026
IN FAST/9139/2021**

ASHOK KISAN PATIL AND ORS.

VERSUS

**THE SPECIAL LAND ACQUISITION OFFICER, MINOR
IRRIGATION JALGAON AND ORS.**

**WITH CIVIL APPLICATION NO. 12 OF 2026
IN FAST/9139/2021 WITH
CIVIL APPLICATION NO. 5946 OF 2021
IN FAST/9139/2021 WITH
CIVIL APPLICATION NO. 5947 OF 2021
IN FAST/9139/2021 WITH
CIVIL APPLICATION NO. 12489 OF 2025
IN FAST/9139/2021**

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Advocate for Applicants/Claimants : Mr. _____ h/f Mr. Kale A. B.

AGP for Respondent/s-State : Mr. N. D. Raje.

Advocate for Respondent No.2 : Mr. R. A. Tambe.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 07.01.2026

PER COURT :-

1. Applicants seek to condone delay in setting aside abatement and bringing legal heirs of applicant No.3 Kaushalyabai on record. The delay is unintentional. The cause of action survives against legal heirs.

2. Civil application is allowed in terms of prayer clauses "B" to "D-1".

Civil Application for delay

3. Applicant/acquiring body seeks to condone delay of 236 days. The averments have not been controverted. There are no malafides on the part of the applicant. The delay stands condoned.

4. Civil application is allowed.

First Appeal

5. **Admit.**

6. Learned counsel Mr. Kale waives service of notice for respondents/claimants.

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

8. Print is dispensed with.

Civil Application for Stay

9. As the amount has been deposited by the acquiring body in pursuance of the earlier order, ad-interim relief granted earlier shall stand confirm.

10. Civil application is disposed of.

Civil Application for Withdrawal

11. Applicants pray for disbursement of amount of Rs.70,93,252/- deposited by the acquiring body. In similarly situated matters the claimants were permitted to receive the amount on furnishing undertaking. The deposit of the amount by the acquiring body is to the extent of 50% only.

12. Civil application is allowed partly permitting the applicants to receive the amount deposited with accrued on furnishing undertaking.

Civil Application No.12489 of 2025

13. The applicants shown in the application are not in consonance with other applications and the title of the first appeal.

14. Civil application is rejected.

(SHAILESH P. BRAHME, J.)

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vmk/-