



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

28 CIVIL APPLICATION NO. 321 OF 2026  
IN FAST/1017/2025

RAOSAHEB GANA DEVAKAR DIED THROUGH HIS LRS CHATURABAI  
RAOSAHEB DEVAKAR  
VERSUS  
THE STATE OF MAHARASHTRA THROUGH COLLECTOR OSMANABAD AT  
OSMANABAD

...

WITH  
CIVIL APPLICATION NO. 322 OF 2026  
IN FAST/1017/2025

WITH  
CIVIL APPLICATION NO. 315 OF 2026  
IN FA/2007/2025

WITH  
CIVIL APPLICATION NO. 464 OF 2025  
IN FA/2008/2025

WITH  
CIVIL APPLICATION NO. 471 OF 2025  
IN FA/2007/2025

WITH  
CIVIL APPLICATION NO. 463 OF 2025  
IN FA/2010/2025

WITH  
CIVIL APPLICATION NO. 466 OF 2025  
IN FA/2009/2025

WITH  
CIVIL APPLICATION NO. 474 OF 2025  
IN FA/2012/2025

WITH  
CIVIL APPLICATION NO. 468 OF 2025  
IN FA/2011/2025

WITH  
CIVIL APPLICATION NO. 320 OF 2026  
IN FA/2008/2025

WITH  
CIVIL APPLICATION NO. 319 OF 2026  
IN FA/2011/2025

WITH  
CIVIL APPLICATION NO. 316 OF 2026  
IN FA/2012/2025

WITH

**CIVIL APPLICATION NO. 314 OF 2026  
IN FA/2009/2025  
WITH  
CIVIL APPLICATION NO. 317 OF 2026  
IN FA/2010/2025**

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Advocate for Applicants : Mr. Madhav K. Jadhav h/f Mr. More Abhijit S. and  
Jadhav Chetan Trimbakrao in respective matters.

AGP for State : Mr. S.N. Morampalle

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**CORAM : SHAILESH P. BRAHME, J.**  
**DATE : 12.01.2026**

**PER COURT :**

**CIVIL APPLICATION NO. 321/2026**

1. The applicants seek to condone delay in setting aside abatement and bringing legal heirs of deceased Raosaheb Gana Deokar on record. The cause of action survives as against the legal heirs of the deceased Raosaheb. They are necessary parties.
2. The delay stands condoned, abatement is set aside and parties are permitted to bring legal heirs of deceased claimant Raosaheb on record.
3. The Civil Application is disposed of.

**CIVIL APPLICATIONS FOR WITHDRAWAL OF AMOUNT**

4. The applicants are praying for withdrawal of amount deposited by the respondent-Acquiring Body. My attention is adverted to the order passed by coordinate bench in permitting the applicants to receive amount on furnishing undertaking. In that matter 75% of the amount was deposited, whereas in the present matter, entire amount with accrued interest is deposited. It would be in the interest of justice to permit the applicants to receive 75% of the amount with accrued interest.

5. The Civil Applications are partly allowed permitting the applicants to receive 75% of the amount 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 Applications are disposed of.

#### **FIRST APPEALS**

7. **Admit.** Learned counsel for the claimant/s waives service. Learned A.G.P waives service for the State.

8. Call for record and proceedings.

9. Print is dispensed with.

#### **CIVIL APPLICATIONS FOR STAY**

10. As the entire amount is deposited in each matter, ad interim relief granted earlier shall stand confirmed.

11. The Civil Applications are disposed of.

**( SHAILESH P. BRAHME, J.)**

mkd/-