



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

66 CIVIL APPLICATION NO. 691 OF 2026
IN FAST/11164/2023

MACHINDRA KONDIBA KUTE DIED LRS 1 DADAHARI M KUTE
DIED LRS 1 BAISAKHU DADAHARI KUTE AND ORS

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR
AND ORS

WITH CIVIL APPLICATION NO. 4599 OF 2023 IN
FAST/11164/2023 WITH CIVIL APPLICATION NO. 4600 OF
2023 IN FAST/11164/2023

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Advocate for Applicants: Ms. Mrunal Andhare h/f Mr. Ajeet
Babanrao Kale

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

Advocate for Respondent No.3 : Mr. Ruturaj C. Patil.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 19.01.2026

PER COURT :-

1. Applicants seek to condone delay of 1910 days in preferring first appeal.
2. The delay is unintentional. It has repercussions on public exchequer. The delay stands condoned. Civil application is allowed.

Civil Application for Withdrawal

3. Applicants seek to withdraw amount of Rs.6,23,097/- deposited by the acquiring body. In similarly situated matters,

this Court permitted the claimants to receive 75% of the amount on furnishing undertaking.

4. Civil application is allowed partly permitting the applicants to receive 75% of the amount with accrued interest on furnishing undertaking.

5. Balance amount shall be invested in any nationalize bank.

First Appeal

6. **Admit.**

7. Learned AGP waives service of notice for respondents-State.

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

9. Print is dispensed with.

Civil Application for Stay

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

11. Civil application is disposed of.

(SHAILESH P. BRAHME, J.)

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vmk/-