



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

63 CIVIL APPLICATION NO. 1028 OF 2026
IN FAST/12198/2025
WITH
CIVIL APPLICATION NO. 1029 OF 2026
IN FAST/12198/2025
WITH
CIVIL APPLICATION NO. 4435 OF 2025
IN FAST/12198/2025
WITH
CIVIL APPLICATION NO. 4436 OF 2025
IN FAST/12198/2025

LAXMAN KALU NIKALE DIED THROUGH LRS 1 A BHAMABAI LAXMAN
NIKALE
VERSUS
THE STATE OF MAHRASHTRA THROUGH COLLECTOR

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Advocate for Claimants : Ms. Sakshi A. Kale h/f Mr. Mr. Ajeet Babanrao Kale
AGP for State: Mr. S.N. Morampalle
Advocate for Acquiring Body : Mr. Rahul A. Tambe

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CORAM : SHAILESH P. BRAHME, J.

DATE : 29.01.2026

PER COURT :

CIVIL APPLICATION NO. 1028/2026 IN FAST NO. 12198/2025, FOR
WITHDRAWAL OF AMOUNT :

1. The applicants seek to withdraw amount of Rs. 18,75,709/- deposited by the Acquiring Body. It is pointed out that the Acquiring Body has already deposited the amount before the Reference Court and an amount of Rs. 5,33,692/- was also withdrawn. This Court directed the Acquiring Body to deposit 60% of the amount with accrued interest and accordingly the amount is deposited in this Court. The applicant relies on the order dated 19.12.2025 passed in Civil Application No. 13797/2025, in which the

claimant was permitted to receive 75% of the deposited amount with accrued interest.

2. Learned counsel Mr. Tambe would oppose the disbursement as claimed by the applicants on the ground that already amount is disbursed to the applicants before the Reference Court. He would further submit that interest granted by the Reference Court is not in consonance with the settled legal position.

3. The Acquiring Body has still withheld 40% of the amount. Ends of justice would be met in permitting the applicants to receive 75% of the deposited amount with accrued interest on furnishing undertaking.

4. The Civil Application is allowed partly permitting the applicant to receive 75% of the deposited 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.

5. The Civil Application is disposed of.

**CIVIL APPLICATION NO. 4435/2025 IN FAST 12198/2025 FOR DELAY
CONDONATION :**

6. The Acquiring Body seeks to condonation of delay of 2340 days. The application is not opposed by the respondents-claimants. There are no *mala fides* on the part of the applicant.

7. The delay stands condoned.

8. The Civil Application is disposed of.

CIVIL APPLICATION NO. 1029/2026 IN FAST 12198/2025 :

9. The applicant seeks to condone delay of 1705 days in setting aside abatement and bringing legal heirs of deceased Laxman Kalu Nikale on

record. The cause of action survives against the legal heirs of deceased Laxman. They are necessary parties. The delay is unintentional.

10. The delay stands condoned, abatement is set aside and legal heirs of deceased Laxman Kalu Nikale are brought on record. Both the parties shall be at liberty to carryout the amendment.

FIRST APPEAL STAMP

11. **Admit.** Learned counsel Ms. Sakshi Kali h/f Mr. Kale, learned counsel waives service for the claimant. Learned A.G.P waives service for the State.

13. Call for record and proceedings.

14. Print is dispensed with.

CIVIL APPLICATION NO. 4436/2025 IN FAST 12198/2025 FOR STAY

15. As the amount is deposited in pursuance of the order of this Court, *ad interim* relief granted earlier shall stand confirmed.

16. The Civil Application is disposed of.

(SHAILESH P. BRAHME, J.)

mkd/-