



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

56 CIVIL APPLICATION NO. 685 OF 2026
IN FA/2848/2025

ANNARAO NARHARI JADHAV DIED THROUGH L RS LOCHANABAI AND ORS.

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS COLLECTOR, OSMANABAD AND
ORS.

WITH

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IN FA/2848/2025

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CIVIL APPLICATION NO. 688 OF 2026
IN FA/2849/2025

DATTATRAYA ANNARAO JADHAV.

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR OSMANABAD AND
ORS.

WITH

CIVIL APPLICATION NO. 155 OF 2021
IN FA/2848/2025

THE EX. ENGINEER, IRRIGATION DEPARTMENT STRENGTHENING DIV.
OMERGA

VERSUS

ANNARAO NARHARI JADHAV AND ORS

WITH

CIVIL APPLICATION NO. 157 OF 2021
IN FA/2849/2025

THE EX. ENGINEER, IRRIGATION DEPARTMENT STRENGTHENING DIV.
OMERGA

VERSUS

DATTATRAYA ANNARAO JADHAV AND ORS

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Ms. L. R. Thakur h/f. Mr. L. C. Patil, Advocate for Claimants

Mr. S. N. Morampalle, AGP for Respondent-s/State

Mr. Mukul S. Kulkarni, Advocate for Acquiring body

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CORAM : SHAILESH P BRAHME, J.

DATE : 21.01.2026

PER COURT :-

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. Applicants seek to condone delay in setting aside abatement and in bringing legal heirs of sole claimant Annarao s/o Narhari Jadhav on record.

2. The cause of action survives as against the legal heirs. They are necessary parties. There is no reason to infer malafides on the part of the applicants for causing delay.

3. Civil Application is allowed in terms of prayer clause “A”, “B” and “C”.

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4. Heard both sides.

5. The respondent – acquiring body has deposited Rs.74,75,212/- in First Appeal No.2848 of 2025 and Rs.6,92,514/- in First Appeal No.2849 of 2025. Applicants are seeking withdrawal of the amount and for that purpose, they are relying upon orders passed by coordinate bench on 11.09.2023.

6. Applications are contested by the respondents on the ground that in one of the appeals, huge amount is deposited by the acquiring body and therefore stringent conditions should be imposed. It is further contended that minimum disbursal would be granted to the claimants.

7. In a similarly situated matters, this Court permitted the claimants to

withdraw the amount depending upon the extent of deposits. In the present appeals, entire amount has been deposited. The extent of area of acquisition is also different. Ends of justice would be met in permitting the applicants to receive 70% of the deposited amount with accrued interest in First Appeal No.2848 of 2025 and 80% of the deposited amount with accrued interest in First Appeal No.2849 of 2025. This arrangement is made under the peculiar facts and circumstances of the case.

8. Civil Applications are allowed partly permitting the applicants to receive 70% of the deposited amount in First Appeal No.2848 of 2025 with accrued interest on furnishing undertaking to the satisfaction of learned Registrar (Judicial) of this Court and 80% of the amount in First Appeal No.2849 of 2025 with accrued interest on furnishing undertaking to the satisfaction of learned Registrar (Judicial) of this Court.

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9. As the amounts of compensation are deposited by the acquiring body, ad-interim stay granted earlier shall stand confirmed.

10. Civil Applications are disposed of.

(SHAILESH P. BRAHME, J.)