



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

**68 CIVIL APPLICATION NO. 770 OF 2026
IN FAST/23553/2020**

BABASAHEB KHAITRI BHILLARE (DIED) THR HIS LEGAL
HEIRS SATYABHAMA AND ORS.

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR
OSMANABAD AND ORS.

**WITH CIVIL APPLICATION NO. 278 OF 2021 IN
FAST/23553/2020 WITH CIVIL APPLICATION NO. 777 OF
2026 IN FAST/23553/2020**

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Advocate for Applicant : Mr. Madhav K. Jadhav h/f Mr. More
Abhijit S.

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

Advocate for Respondent No.3 : Mr. Rahul A Tambe.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 19.01.2026

PER COURT :-

1. Applicant seeks to condone delay of 2246 days in setting aside abatement and bringing legal heirs of Babasaheb Khetri Bhillare. The cause of action survives as against the legal heirs. They are necessary parties. There is no reason to infer any maladies.

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

Civil Application for Withdrawal

3. Applicant seeks to withdraw amount of Rs.2,45,474/-. In similarly situated matters, this Court permitted the claimants

to receive the amount on furnishing undertaking. In the present case only 50% amount has been deposited with accrued interest.

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

5. Time is granted to remove office objections.

6. This order shall take effect subject to removal of office objections.

First Appeal

7. **Admit.**

8. Learned counsel Mr. Jadhav holding for Mr. More waives service of notice for respondent/claimant.

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

10. Print is dispensed with.

(SHAILESH P. BRAHME, J.)

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vmk/-