



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**971 CIVIL APPLICATION NO. 4881 OF 2026
IN FAST/2561/2026**

GURUSHIDAPPA S/O HANMANT MULE DIED THROUGH LR JAGDEVI
GURUSIDDH ALIAS GURUSHIDHAPPA MULE

VERSUS

THE STATE OF MAHARASHTRA THROUGH COLLECTOR AND OTHERS
WITH

**CIVIL APPLICATION NO. 1025 OF 2026
IN FAST/2550/2026**

THE EXECUTIVE ENGINEER, IRRIGATION PROJECT, STRENGTHENING
DIVISION, OMERGA, DIST. OSMANABAD

VERSUS

MAHADU CHANAPPA MULE AND OTHERS
WITH

**CIVIL APPLICATION NO. 1027 OF 2026
IN FAST/2561/2026**

THE EXECUTIVE ENGINEER, IRRIGATION PROJECT, STRENGTHENING
DIVISION, OMERGA, DIST. OSMANABAD

VERSUS

GURUSHIDAPPA S/O HANMANT MULE AND OTHERS
WITH

**CIVIL APPLICATION NO. 4882 OF 2026
IN FAST/2561/2026**

GURUSHIDAPPA S/O HANMANT MULE DIED THROUGH LR JAGDEVI
GURUSIDHA ALIAS GURUSHIDHAPPA MULE

VERSUS

THE STATE OF MAHARASHTRA THROUGH COLLECTOR AND OTHERS
WITH

**CIVIL APPLICATION NO. 1026 OF 2026
IN FAST/2561/2026**

THE EXECUTIVE ENGINEER, IRRIGATION PROJECT, STRENGTHENING
DIVISION, OMERGA, DIST. OSMANABAD

VERSUS

GURUSHIDAPPA S/O HANMANT MULE AND OTHERS
WITH

**CIVIL APPLICATION NO. 1024 OF 2026
IN FAST/2550/2026**

THE EXECUTIVE ENGINEER, IRRIGATION PROJECT, STRENGTHENING
DIVISION, OMERGA, DIST. OSMANABAD

VERSUS

MAHADU CHANAPPA MULE AND OTHERS

...
Advocate for applicants / claimants : Mr. Shashikiran N. Patil (in all CAs)
AGP for the respondent – State : Mr. N.R. Dayma (in all matters)
Advocate for respondent no. 3 : Mr. Rahul A. Tambe (Acquiring Body)
...

CORAM : SHAILESH P. BRAHME, J.
DATE : 24 APRIL 2026

PER COURT :

DELAY AND LRS

Applicants seeks condonation of 1418 days delay in setting aside the abatement in bringing the LRs on record.

2. Cause of action survives against the heirs of the sole claimant. No *mala fides* can be noticed on the part of the applicants. Delay stands condoned. Abatement is set aside and leave is granted to bring the LRs on record. It would be open for the parties to carry out the amendments. Civil Application is disposed of.

WITHDRAWAL

3. Applicants seek withdrawal of amount of Rs.16,91,590/- deposited by the respondent – Acquiring Body.

4. My attention is adverted to the consistent view taken by this Court. One such order dated 13.02.2026 passed in FA / ST / 26190 / 2025 is placed on record.

5. Application is contested by the respondents.

6. In the present case, only 75% of the amount is deposited. Considering the submissions of the acquiring body, entire amount was not directed to be deposited. In that view of the matter, it is desirable to permit the applicants to receive the deposited amount.

7. Civil Application is allowed partly.

8. Applicants are permitted to withdraw the amount deposited by the respondent – Acquiring Body with accrued interest on furnishing undertaking to the satisfaction of the Registrar (Judicial) of this Court.

STAY

9. As the amount is deposited in pursuance of the order of this Court, ad-interim stay shall stand confirmed. Civil Applications are disposed of.

DELAY

10. Applicants seeks condonation of 2485 days delay, respectively, in preferring the First Appeal / s.

11. I find no *mala fides* in preferring the appeal / s belatedly.

12. Delay stands condoned. Civil Applications are disposed of.

FIRST APPEALS

13. **Admit.**

14. Learned AGP waives notice for respondent – State and Mr. Patil waives notice for the respondents / claimants.

15. Call for Record and Proceedings.

16. Print is dispensed with.

**[SHAILESH P. BRAHME]
JUDGE**

arp/