



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

52 CIVIL APPLICATION NO. 1556 OF 2026
IN FAST/3126/2026
WITH
CIVIL APPLICATION NO. 1557 OF 2026
IN FAST/3126/2026

**THE EXECUTIVE ENGINEER, NANDUR MADHMESHWAR CANAL DIVISION,
VALJAPUR, DIST. AURANGABAD**

VERSUS

**RAGHUNATH GOPINATH SAKHARE (DIED) THROUGH L.RS. SUDHIR
RAGHUNATH SAKHARE AND ORS.**

...

Mr. Patil Shamsunder Babarao, Advocate for Applicant
Mr. N. D. Raje, AGP for Respondent/s-State
Mr. D. A. Bide, Advocate for Claimants

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CORAM : SHAILESH P. BRAHME, J.

DATE : 20.02.2026

PER COURT :-

CIVIL APPLICATION FOR DELAY

. Issue notice to the respondents. Learned AGP waives service of notice for respondent No.3/State. Mr. Bide, learned counsel waives service of notice for the claimants.

2. Heard both sides.

3. The applicant – acquiring body seeks to condone the delay of 540 days in preferring the appeal. There is no serious objection by the respondents for condonation of delay.

4. For the reasons stated in the application, Civil Application is allowed. The delay stands condoned.

5. Office to register the first appeal.

FIRST APPEAL STAMP NO.

6. Issue notice to the respondents, returnable on 12.06.2026. Learned AGP waives service of notice for respondent No.3/State. Mr. Bide, learned counsel waives service of notice for the claimants.

CIVIL APPLICATION FOR STAY

7. Issue notice to the respondents, returnable on 12.06.2026. Learned AGP waives service of notice for the respondent No.3/State. Mr. Bide, learned counsel waives service of notice for the claimants.

8. The applicant is praying for stay to the execution and operation of the impugned judgment and award. It is tried to be demonstrated by the learned counsel for the applicant that the enhancement is arbitrary and exorbitant. It would cause prejudice to the acquiring body to deposit the entire amount. The chequered history of the matter is narrated by the learned counsel. It is contended that the Reference Court enhanced the compensation without there being any permission to increase.

9. Per contra, Mr. Bide, learned counsel for the claimants would make his submission on the basis of the order dated 28.11.2023 passed in his brother's matter, which is companion appeal. In that case, the acquiring body

was directed to deposit 75% of the amount of compensation.

10. Considering chequered history and rival submissions of the parties, I feel it appropriate to direct the acquiring body to deposit 75% of the amount of compensation with accrued interest within a period of twelve (12) weeks.

11. There shall be ad-interim stay to the execution and operation of the impugned judgment and award subject to deposit of 75% of the amount of compensation with accrued interest within a period of twelve (12) weeks from today.

(SHAILESH P. BRAHME, J.)

PRW