



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

**40 CIVIL APPLICATION NO. 2412 OF 2026
IN FAST/25615/2025**

SHANKAR VISHWANATH BARBADE

VERSUS

**THE EXECUTIVE ENGINEER, IRRIGATION PROJECT
STRENGTHENING, DIVISION**

**WITH CIVIL APPLICATION NO. 10246 OF 2025
IN FAST/25615/2025 WITH
CIVIL APPLICATION NO. 10247 OF 2025
IN FAST/25615/2025**

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Advocate for Applicant : Mr. Vivekanand V. Ingale.

AGP for Respondents-State : Mr. V. V. Jahagirdar.

Advocate for Respondent No.1 : Mr. A. S. Shelke.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 05.03.2026

PER COURT :-

1. Heard the respective sides.
2. Applicant seeks to withdraw amount of Rs.30,31,781/- deposited by the respondent/acquiring body for the reasons stated in the application.
3. The acquisition is in respect of house property and only 75% amount has been deposited in pursuance of the orders passed by this court. Ends of the justice would be met in

permitting the claimant to receive the amount on certain conditions.

4. Civil application for withdrawal is allowed partly by permitting the applicant to receive 75% of the amount with accrued interest on furnishing undertaking and balance 25% of amount on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court.

Civil Application for Delay

5. Applicant seeks to condone delay of 2880 days in preferring first appeal. There is no serious contest to the averments of the application. There is no reason to infer any malafides on the part of the acquiring body. The delay stands condoned.

6. Civil application for delay is allowed.

First Appeal

7. **Admit.**

8. Learned counsel Mr. Ingale waives service of notice for respondent/claimant. Learned AGP waives service of notice for respondents/State Authorities.

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

10. Print is dispensed with.

Civil Application for Stay

11. As the amount has been deposited in pursuance of the earlier order, ad-interim relief granted earlier shall stand confirm.

12. Civil application is disposed of.

(SHAILESH P. BRAHME, J.)

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vmk/-