



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 2879 OF 2026
IN FA/857/2026

Walya @ Balya Dagdu Gode Deceased Thr His Legal Heirs Nandu And
Ors

VERSUS

The State Of Maharashtra And Ors

WITH CIVIL APPLICATION NO. 2880 OF 2026
IN FA/857/2026

Walya @ Balya Dagdu Gode Deceased Thr His Legal Heirs Nandu And
Ors

VERSUS

The State Of Maharashtra And Ors

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Mr. G. B. Rajale h/f Mr. R. K. Temkar, Advocate for Applicant
Mr. S. N. Morampalle, AGP for Respondents

WITH FIRST APPEAL NO. 857 OF 2026

The State Of Maharashtra And Ors

VERSUS

Walya @ Balya Dagdu Gode Deceased Thr His Legal Heirs Nandu And
Ors

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Mr. S. N Morampalle, AGP for Appellant
Mr. R. K. Temkar, Advocate for Respondents

CORAM : SHAILESH P. BRAHME, J
DATE : MARCH 11, 2026

PC :

CIVIL APPLICATION FOR LR'S

1. Applicant seeks to condone delay of 97 days in setting aside abatement and bringing LR's of deceased Applicant No. 3 – Anabai

Walya Gode.

2. The cause of action survives as against the heirs shown in the Application of deceased Anabai. They are necessary parties. Delay cannot be said to be intentional one. Delay stands condoned. Abatement is set aside. Leave is granted to bring legal heirs on record. Both sides shall be at liberty to carry out amendment.

CIVIL APPLICATION FOR WITHDRAWAL

3. Applicants seek to condone disbursement of the amount, which is deposited by the Respondents – Acquiring Body in the Reference Court to the tune of Rs.31,19,089/-.

4. It is contended by the learned Counsel for the Applicants that Reference Court accepted the rate of sale exemplified at Exhibit 22, however, truncated the rate without assigning any reason to Rs.1600/- per are. It is prayed that entire amount be disbursed to the claimant.

5. Learned Counsel appearing for the Acquiring Body submits that there is no similarity and the sale instance pressed into service cannot be of any benefit to Applicants.

6. It is informed that the Applicants are the tribal persons. They have not received any amount so far. The ends of justice would be served by permitting Applicants to receive 70% of the amount. Hence,

Civil Application is partly allowed. Applicants are permitted to receive 70% of the amount with accrued interest on furnishing undertaking to the satisfaction of Presiding Officer of jurisdictional Reference Court.

(SHAILESH P. BRAHME, J.)

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