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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**929 CIVIL APPLICATION NO. 4120 OF 2026 IN
FIRST APPEAL NO. 1079 OF 2026
(FOR WITHDRAWAL)**

**CIVIL APPLICATION NO. 4123 OF 2026 IN
FIRST APPEAL NO. 1080 OF 2026
(FOR WITHDRAWAL)**

**CIVIL APPLICATION NO. 4121 OF 2026 IN
FIRST APPEAL NO. 1079 OF 2026
(FOR DELAY AND LRS)**

**CIVIL APPLICATION NO. 4122 OF 2026 IN
FIRST APPEAL NO. 1080 OF 2026
(FOR DELAY AND LRS)**

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Advocate for appilcant in all Cas : Mr. M.D. Shinde
Addl.GP for the respondent – State : Mr. A.R. Kale
Advocate for respondent – Acquiring Body : Mr. S.B. Parnere

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CORAM : SHAILESH P. BRAHME, J.

DATE : 24 APRIL 2026

PER COURT :

Heard both sides.

2. The applicants in CA/4121/2026 and CA/4122/2026 seek condonation of delay of 4623 days and 1384 days, respectively, in setting aside the abatement and bringing the legal representatives of respondent – Ramesh S/o Shankar Surwase in FA/1079/2026 and respondent – Sundarabai Sayaba Kamble in FA/1080/2026, respectively, on record.

3. For the reasons stated in the applications, delay needs to be condoned. I do not find any *mala fides* on part of the applicants. Cause of action survives against the heirs of deceased claimants. Delay stands condoned. Abatement is set aside. Leave is granted to bring on record the legal heirs on record. Both parties are at liberty to carry out the amendments. Civil Applications are disposed of.

CIVIL APPLICATIONS FOR WITHDRAWAL OF AMOUNT

4. The applicants in CA/4123/2026 and CA/4120/2026 seeks withdrawal of Rs. 5,34,229/- and Rs.21,68,587/-, respectively. Copy of the order dated 06.03.2026 is placed on record to show that present case is squarely covered by the said order. I propose to follow the same course.

5. Civil Applications are allowed partly.

6. Applicants are permitted to withdraw 50% of the amount of compensation with accrued interest on furnishing undertaking to the satisfaction of the Registrar (Judicial) of this Court and 25% of amount of compensation with accrued interest on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court.

7. Balance amounts shall be invested in any nationalized bank.

[SHAILESH P. BRAHME]
JUDGE

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