



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

935 CIVIL APPLICATION NO. 4462 OF 2026
WITH
CIVIL APPLICATION NO. 4463 OF 2026
IN FAST/29296/2013

Gundu Manik Birajdar @ Surwase Died Through Legal Rs. Vijay And
Others.

VERSUS

The State of Maharashtra Through The Collector, Osmanabad And
Ors.

...

Advocate for Applicant : Mr. Someshwar S. Biradar
AGP for Respondents: Mr. S.G. Joshi
Advocate for the respondent: Mr. R.A. Tambe

.....

WITH
CIVIL APPLICATION NO. 1853 OF 2014
IN FAST/29296/2013

Executive Engineer, Irrigation Project Strengthening Division,
Osmanabad

VERSUS

Gunda Manik Surwase And Others

...

Advocate for Applicant : Mr. R.A. Tambe
AGP for Respondent Nos. 2 and 3: Mr. S.G. Joshi
Advocate for Respondent-claimant : Mr. Someshwar S. Biradar

.....

CORAM : SANJAY A. DESHMUKH, J.
DATED : 24th APRIL, 2026

PER COURT :-

1. The civil application No. 4462 of 2026 is filed for bringing the legal representatives of deceased original appellant Gundu Manik Surwase on record. Perused the contents of the application. Heard learned advocates for the parties. For the reasons stated in the

application, the application is allowed in terms of prayer clauses “B” and “C” and disposed of. Amendment to be carried out within two weeks.

2. The civil application No. 4463 of 2026 is filed seeking withdrawal of the amount. Perused the application. Heard learned advocates for both the sides. Learned advocate for the respondent strongly opposed the application. Considering the peculiar facts of this case, the application deserves to be allowed partly. The application is thus partly allowed. The applicants are permitted to withdraw 50% amount with accrued interest thereon, on furnishing usual undertaking to the satisfaction of Registrar (Judicial) of this Court.

3. The civil application No. 1853 of 2016 is filed for condonation of delay of 571 days caused in filing the first appeal. Perused the application and heard learned advocates for both sides. Learned advocates for the respondents strongly opposed the application. Considering the reasons stated in the application, it appears that the delay caused is not intentional or deliberate. Therefore, the application is allowed. Delay caused in filing the first appeal is condoned in the interest of justice.

(SANJAY A. DESHMUKH, J.)

rlj/