



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

944 CIVIL APPLICATION NO. 5264 OF 2026  
IN FAST/19072/2025

SHIVAJI SO DATTATRAYA DEVKAR

VERSUS

THE EXECUTIVE ENGINEER, OSMANABAD MEDIUM  
PROJECT DIVISION AT OSMANABAD

WITH CIVIL APPLICATION NO. 5265 OF 2026  
IN FAST/19072/2025

WITH CIVIL APPLICATION NO. 3202 OF 2026  
IN FAST/19075/2025

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Advocate for Applicant : Mr. Rajendra K. Temkar.

Advocate for Respondent/Acquiring Body : Mr. G. B. Rajale.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 05.05.2026

PER COURT :-

Civil Application No.3202 of 2026 (L.Rs.)

1. Heard both sides.
2. Applicant seeks to condone delay in setting aside abatement and bringing legal heirs of the deceased on record.
3. Issue notice to the proposed heirs of the deceased, returnable on 14.07.2026.

Civil Applications for Withdrawal

4. Applicants seek to withdraw amount of Rs.1,14,81,516/- deposited by the acquiring body.

5. It is submitted that both applicants are entitled to equal share. Due to the disputes between them separate applications are required to be filed.

6. Applications are contested by the respondent on the ground that enhancement is more than seven times.

7. It is brought to my notice that there are ample number of trees. No endeavor has been made to enhance the compensation in that regard by the Court.

8. I am of the considered view that the brother should get equal amount. The ends of the justice would be met in permitting them to receive 80% of the amount with accrued interest in equal proportion on furnishing separate distinct undertaking to the satisfaction of the Registrar (Judicial) of this Court.

9. Civil applications are allowed partly permitting the applicants to receive 80% of the amount with accrued interest in equal proportion on furnishing separate distinct undertaking to the satisfaction of the Registrar (Judicial) of this Court.

10. Balance amount shall be invested in any nationalized bank.

**(SHAILESH P. BRAHME, J.)**

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vmk/-