



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

FIRST APPEAL NO. 3064 OF 2015

EXECUTIVE ENGINEER, IRRIGATION PROJECT, STRENGTHENING
DIVISION, OMERGA THR MKVDC PUNE AND OTHERS
VERSUS

SUBHADRA BAI MANJU SHINDE AND OTHERS

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Advocate for Appellant No.1: Mr. Rahul A. Tambe and
Mr. R. P. Karhale holding for Mr. V. P. Patil (in FA/2523 & 2525/2017)
AGP for Appellants No.2 and 3/State : Ms. Chaitali Choudhari-Kutti
Advocate for Respondents No.2 and 4 : Mr. Dinesh U. Manwatkar
Advocate for Respondent No.3 : Mr. S. S. Bhagure
Respondents No.2 to 4-in-person present
Advocate for Respondents No.5 to 8, 9A to 9C, 10 and 11 :
Mr. P. S. Chavan

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WITH FIRST APPEAL NO. 37 OF 2016
WITH FIRST APPEAL NO. 265 OF 2016
WITH FIRST APPEAL NO. 39 OF 2016
WITH FIRST APPEAL NO. 35 OF 2016
WITH FIRST APPEAL NO. 36 OF 2016
WITH FIRST APPEAL NO. 266 OF 2016
WITH FIRST APPEAL NO. 269 OF 2016
WITH FIRST APPEAL NO. 268 OF 2016
WITH FIRST APPEAL NO. 267 OF 2016
WITH FIRST APPEAL NO. 38 OF 2016
WITH FIRST APPEAL NO. 3488 OF 2015
WITH FIRST APPEAL NO. 3489 OF 2015
WITH FIRST APPEAL NO. 3490 OF 2015
WITH FIRST APPEAL NO. 3491 OF 2015
WITH FIRST APPEAL NO. 2522 OF 2017
WITH FIRST APPEAL NO. 2523 OF 2017
WITH FIRST APPEAL NO. 2525 OF 2017
WITH CIVIL APPLICATION NO.5234 OF 2022 IN X-OBJST/15382/2021
WITH CIVIL APPLICATION NO.5411 OF 2022 IN X-OBJST/15386/2021
WITH CIVIL APPLICATION NO. 801 OF 2023 IN X-OBJST/15527/2021
WITH CIVIL APPLICATION NO. 802 OF 2023 IN X-OBJST/15530/2021
WITH CIVIL APPLICATION NO. 803 OF 2023 IN X-OBJST/15532/2021
WITH CIVIL APPLICATION NO. 10166 OF 2016 IN FA/3064/2015
WITH CIVIL APPLICATION NO.5412 OF 2023 IN X-OBJST/24736/2021
WITH CIVIL APPLICATION NO.5411 OF 2023 IN X-OBJST/24739/2021

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CORAM : KISHORE C. SANT, J.

DATE : 21-07-2025

PER COURT:-

1. Heard the learned counsel for the parties.
2. It is pointed out that this Court, by order dated 29.08.2024, had directed respondents No.2 to 4/claimants to deposit 25% amount out of 50% amount withdrawn by them along with interest @ 6% *per annum*. However, till now no such amount is deposited by respondents No.2 to 4/claimants in the appeal. Till now, even reply is not filed.
3. Mr. Tambe, learned counsel so also Mr. Chavan, learned counsel for intervenors submit that it was necessary for respondents No.2 to 4/claimants to deposit such amount.
4. This Court has gone through the subsequent orders. This Court was also pleased to issue bailable warrant. It is only thereafter the said respondents appeared. On 29.04.2025 when the matter was on board, the said respondents could not make any concrete statement about refund of money. On recording this, this Court issued notice of contempt.
5. Today, learned counsel for respondents No.2 to 4 is present. However, neither any explanation is offered nor any reply is filed by the said respondents. On the contrary, the learned counsel informs that he has instructions to argue the matter finally.

6. This Court finds that when there was a specific order by this Court on 29.08.2024 and when there is specific knowledge, it was expected of the said respondents to deposit the amount. Even today, no amount is deposited and, on the contrary, time is sought to be justified without filing affidavit. This Court had directed the Office to issue notice to respondents No.2 to 4 in appeal in format. Notice is accepted by the learned counsel on behalf of respondents No.2 and 4, who are present in the Court. Respondent No.3 is also personally present in the Court. He also accepts the notice.

7. List the matters on board on 04.08.2025, in urgent category. Respondents No. 2 to 4 shall personally remain present on the next date in the Court.

[KISHORE C. SANT]
JUDGE

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