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

**CIVIL APPLICATION NO. 11818 OF 2021
IN
FIRST APPEAL NO. 1641 OF 2020**

**KISAN MALLAPPA RODGE (DIED) THR LRS ANUSAYA (DIED)
THR LRS ARCHANA AND ORS
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR,
OSMANABAD AND ORS**

WITH

**CIVIL APPLICATION NO. 11819 OF 2021
IN
FIRST APPEAL NO. 1638 OF 2020**

**MADHUKAR NIVRUTTI RODGE
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR,
OSMANABAD AND ORS**

WITH

**CIVIL APPLICATION NO. 11821 OF 2021
IN
FIRST APPEAL NO. 1640 OF 2020**

**GURULING NIVRUTTI RODGE
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR,
OSMANABAD AND ORS**

WITH

**CIVIL APPLICATION NO. 11822 OF 2021
IN
FIRST APPEAL NO. 1637 OF 2020**

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SIDDDHALING NIVRUTTII RODGE (DIED) THR LRS ARUNABAI
AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR,
OSMANABAD AND ORS

WITH

CIVIL APPLICATION NO. 11823 OF 2021
IN
FIRST APPEAL NO. 1643 OF 2020

SATLING NIVRUTTI RODGE
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR,
OSMANABAD AND ORS

WITH

CIVIL APPLICATION NO. 11824 OF 2021
IN
FIRST APPEAL NO. 1639 OF 2020

KASHINATH NIVRUTTI RODGE
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR,
OSMANABAD AND ORS

WITH

CIVIL APPLICATION NO. 11820 OF 2021
IN
FIRST APPEAL NO. 1642 OF 2020

GURULING NIVRUTTI RODGE
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR,
OSMANABAD AND ORS

....

MR. R.P. Bhumkar, Advocate for the Applicants in all CAs
Mr. B.V. Virdhe, AGP for Respondent No.1 and 2 in all CAs
Mr. B.R. Surwase, Advocate for Respondent No.3 in all CAs

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CORAM : SHRIKANT D. KULKARNI, J.

DATE : 28th OCTOBER, 2021

PER COURT:-

1. These are the applications for withdrawal of amount moved by the applicants.

2. Heard Mr. R.P. Bhumkar, learned counsel for the applicants, Mr. Virdhe, learned AGP for respondent no.1 / State and Mr. B.R. Surwase, learned counsel for respondent no.2 / acquiring body.

3. Mr. Bhumkar, learned counsel for the applicants invited my attention to the order passed by this Court dated 29.01.2019 in civil application no.1525/2019 in first appeal no. 4024/2017 with connected matters. By placing reliance on the same order he is seeking withdrawal of 25% of the amount, which is lying in the Court and deposited by the acquiring body.

4. On the other hand, Mr. Surwase, learned counsel for the acquiring body placed on record a copy of order dated 04.08.2020 passed by this Court in civil application no.4643/2020 with connected matters. He invited my attention

to the clause 'C' of the operative order and submitted that this Court has considered overall merits of the case and accordingly allowed the applicants to withdraw the amount to the extent of 50% of the amount deposited by the acquiring body by making clear that no further application seeking withdrawal of amount shall be entertained at the instance of applicants/claimants.

5. Having regard to the submissions of the learned counsel for both sides, I have gone through the orders relied upon by Mr. Bhumkar, learned counsel for the applicants as well as Mr. Surwase, learned counsel for the acquiring body. While allowing civil application no. 4646/2020 in first appeal no. 1640/2020 with connected applications in respective appeals, this Court was pleased to allow the applicants to withdraw the amount to the extent of 50% of the amount deposited by the acquiring body on their furnishing written undertaking to the satisfaction of the Registrar (Judicial) of this Court on condition that they shall re-deposit the amount in case judgments and awards passed by the reference Court are set aside or modified by this Court. Clause 'B' of the operative order speaks about investing the remaining 50% amount of the compensation with the Bank of India initially for a period of three years with standing

instructions to renew the fixed deposit till further orders from this Court. In clause 'C' of the order it is expressly made clear that order of withdrawal of amount has been passed considering overall merits of the case, and therefore, no further application seeking further withdrawal of amount shall be entertained at the instance of applicants/claimants.

6. Having regard to the clear observations made by this Court in clause 'C' of the operative order referred above, these applications cannot be allowed. Hence, I proceed to pass the following order:

ORDER

(i) The civil applications for withdrawal of amount stand rejected.

[SHRIKANT D. KULKARNI]
JUDGE

S.P. Rane