



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

39 CIVIL APPLICATION NO. 14062 OF 2025  
IN FA/2498/2025

LAXMIBAI SHIVRAM KANADE  
*VERSUS*  
THE EXECUTIVE ENGINEER

WITH  
CIVIL APPLICATION NO. 581 OF 2025  
IN FA/2498/2025

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Advocate for Applicant/s : Mr. Naiknavare Ramesh Vitthal.

AGP for Respondent/s-State : Mrs. M. N. Ghanekar.

Advocate for Respondent No.1 : Ms. Sunita D. Shelke.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 22.12.2025

PER COURT :-

1. Heard the respective sides.
2. Applicant seeks to withdraw amount of Rs.34,62,268/- deposited by the respondent/acquiring body for the reasons stated in the application.
3. In the wake of common order dated 14.07.2023 passed by Co-ordinate Bench, permitting the claimants to receive the amount on certain conditions. It is appropriate to follow the same course in allowing the application.

4. Civil application for withdrawal is allowed partly by permitting the applicant to receive 75% of the amount with accrued interest on furnishing undertaking and balance amount on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial).

5. The decree holder or claimant shall be at liberty to withdraw the execution petition for partial satisfaction for being satisfied partially and in that case he/she would be at liberty to file execution for remaining amount in future, if so required.

### **First Appeal**

6. Admit.

7. Learned counsel Mr. Naiknavare waives service of notice for respondents/claimants.

8. Call for Record and Proceedings from the concerned Court.

9. Print is dispensed with.

**Civil Application for Stay**

10. As the entire amount has been deposited in pursuance of the earlier order, ad-interim relief granted earlier shall stand confirm.

11. Civil application is disposed of.

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

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vmk/-