

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

CIVIL APPLICATION NO. 1416 OF 2025

IN

FIRST APPEAL NO.3777 OF 2018

Ashok Dhondiba Sathe (Died)
Thr. LRs Rajendra and Ors

... Applicants

Versus

The State of Maharashtra
Through the Collector, Ahmednagar and Anr

... Respondents

.....
Shri. Ravindra S. Shinde h/f. Shri. V. P. Latange,
Advocate for the Applicants.

Shri. D. J. Patil, AGP for Respondent No.1
Shri. Manish N. Navandar, Advocate for Respondent No.2

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CORAM : NEERAJ P. DHOTE, J.

Dated : MARCH 27, 2025

PER COURT :-

1. This is the Application by the Claimants, who are the representatives of Deceased – Orig. Claimant, for withdrawal of the amount deposited by the Acquiring Body i.e. the Appellant with this Court.

2. It is submitted by the learned Advocate for the Applicants / Claimants that this Court in connected matters i.e. in Civil Application Nos.14744/2018 and 1602/2025 by order dated 05.04.2019 and 10.02.2025, respectively permitted the Claimants therein to withdraw the amount and therefore, this Application be allowed.

3. The learned Advocate for the Acquiring body does not dispute the aforesaid aspect that this Court by aforesaid orders had permitted to withdraw the amount by the respective Claimants. He submits that in the final order 60% amount was allowed to be withdrawn and by subsequent order 25% of the amount was allowed to be withdrawn. He submits that the appropriate orders be passed.

4. This is the Appeal against the Judgment and Order granting compensation to the Claimants in view of the acquisition of land by the Appellant. The Appellant had deposited the entire amount with this Court. As this Court has allowed similarly situated Claimants to withdraw the amount, I see no impediment in allowing the Applicants to withdraw certain amount. Hence, the following order:-

ORDER

(i) The Applicants are permitted to withdraw 75% of the amount deposited by the Acquiring Body i.e. the Appellant, on the condition that 50% amount be withdrawn on furnishing usual undertaking and 25% amount be withdrawn on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this Court.

(ii) The remaining amount be deposited / invested in Fixed Deposit Receipt in any nationalized bank on yearly basis which would be renewed from time to time till the Appeal is finally heard and disposed off.

(iii) The Application stands disposed off accordingly.

(NEERAJ P. DHOTE, J.)

GGP