



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

**22 CIVIL APPLICATION NO. 9610 OF 2025
IN FA/2719/2023**

**DAGADU REVAN KUTHAR DIED THR LRS NAGARBAI
DAGADU KUTHAR**

VERSUS

**THE STATE OF MAHARASHTRA THR THE COLLECTOR,
OSMANABAD AND ORS**

**WITH CIVIL APPLICATION NO. 1417 OF 2023
IN FA/2719/2023 WITH
CIVIL APPLICATION NO. 1420 OF 2023
IN FA/2720/2023 WITH
CIVIL APPLICATION NO. 9609 OF 2025
IN FA/2720/2023**

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Advocate for Applicants : Adv. S. A. Kale h/f Mr. Kale Ajeet B.

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

Advocate for Respondent No.3 : Mr. Arun Hanumant Koralkar.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 04.11.2025

PER COURT :-

1. Heard both sides.
2. Applicants are seeking withdrawal of the amount deposited by the respondent/acquiring body.
3. In First Appeal No.2719 of 2023 amount of Rs.42,72,409/- and in First Appeal No.2720 of 2023 amount of Rs.2,30,245/- is deposited by acquiring body. It is submitted by learned counsel for the applicants that in similarly situated

matters, entire amount was permitted to be withdrawn on furnishing undertaking and the same course needs to be followed.

4. Learned counsel Mr. Koralkar appearing for acquiring body vehemently opposes the request. It is submitted that the sale instance on the basis of which the rate is fixed by the Reference Court is vulnerable as it was post notification. The approach of the Reference Court is against law laid down by Supreme Court in the matter of *Bilkis and others Vs. State of Maharashtra and others*.

5. There is substance in the submission of the learned counsel Mr. Koralkar. I am not inclined to permit the applicant to receive the amount in its entirety. However, considering the overall circumstances, 50% of the amount can be permitted to be disbursed on furnishing undertaking.

6. Civil applications for withdrawal of amount are partly allowed permitting the applicants to receive 50% of the deposited amount with accrued interest on furnishing undertaking to the satisfaction of the Register (Judicial).

7. Balance amount shall be invested in nationalized bank.

First Appeals

8. **Admit.**

9. Learned counsel Mr. Kale waives service of notice for respondents/claimants. Learned AGP waives service of notice for respondents/State.

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

11. Print is dispensed with.

Civil Applications for Stay

12. As some of the amount has been deposited by acquiring body, ad-interim relief granted earlier shall stand confirm. Civil applications for stay are disposed of.

(SHAILESH P. BRAHME, J.)

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vmk/-