



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

CIVIL APPLICATION NO. 10127 OF 2025 (for amount withdrawal)
IN FA/792/2023

Vilas Krishnaji Kulkarni
VERSUS
The State Of Maharashtra And Ors.

Mr.G.V.Patil, Advocate for claimant
Mr.S.S.Dande, AGP for State
Mr.M.S.Kulkarni, Advocate for acquiring body

WITH
CIVIL APPLICATION NO. 1351 OF 2023 (for stay)
IN FA/792/2023

CORAM : AJIT B. KADETHANKAR, J.
DATE : SEPTEMBER 18, 2025

ORDER :-

Vide this application, the claimant seeks withdrawal of a portion of the award amount, which is deposited by the appellant - acquiring body in this court.

2 Mr.Patil, learned counsel for the applicant, relies on the orders of this court in the cases of (i) **Saraswati Bajirao Patil, since dead, through L.Rs. and ors. Vs. Executive Engineer, Irrigation Project Strengthening Division and ors., with**

connected matters, decided on 12.07.2024; (ii) Dawaljirao Prataprao Deshmuk Vs. State of Maharashtra and ors., decided on 23.08.2024 with connected matter; (iii) Bajirao Janojirao Patil, since dead, through L.Rs. and ors. Vs. Executive Engineer Irrigation Project Strengthening Division and ors., decided on 12.07.2024.

The same are taken on record and marked as `X1', `X2' and `X3' for identification.

3. Citing the above orders, Mr.Patil, learned counsel for the applicant, submits that in these cases, this court has permitted the applicants therein to withdraw 50% of the amount deposited by the acquiring body in this court, on furnishing undertaking; and 25% of the amount on furnishing solvent surety/security to the satisfaction of learned Registrar (Judicial) of this court. Mr.Patil further submits that the cited matters arise out of the same land acquisition proceedings and the same award, which is the subject-matter of challenge in the present appeal. He would submit that the acquiring body lodged all these First Appeals with identical objections. In view

of this, on the principle of parity, Mr.Patil seeks withdrawal of 75% of the award amount deposited by the acquiring body in this court.

4. Mr.Mukul Kulkarni, learned counsel for the acquiring body, on facts, agrees with the submissions made by Mr.Patil.

5. Hence, I pass the following order:-

- a) The application is allowed;
- b) The applicant is entitled to receive 50% of the amount deposited along with accrued interest, on furnishing usual undertaking. Further, 25% of the amount deposited along with accrued interest is allowed to be withdrawn on furnishing solvent surety/security to the satisfaction of learned Registrar (Judicial) of this court.
- c) Balance amount be deposited in any nationalised bank, pending appeal.

Application for stay:-

6. As the entire payment of the award amount is deposited by the acquiring body in this court, a portion of which is permitted to be withdrawn by the claimant, this Civil Application for stay to the execution and operation of the

impugned award, stands allowed in terms of prayer clause (A).
Stay granted earlier is made absolute.

[AJIT B. KADETHANKAR, J.]

KBP