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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**944 CIVIL APPLICATION NO. 3060 OF 2025
IN FA/3614/2023**

BALBHIM S/O EKANATH JADHAV DIED THROUGH LRS 1A BABAN SO
BALBHIM JADHAV AND OTHERS

VERSUS

THE EX ENGINEER MEDIUM PROJECT ACQUIRING BODY AND
OTHERS

WITH

**CIVIL APPLICATION NO. 3592 OF 2023
IN FA/3614/2023**

THE EXECUTIVE ENGINEER, LIFT IRRIGATION DIVISION,
OSMANABAD.

VERSUS

BALBHIM EKNATH JADHAV, DIED, THROUGH HIS L.RS

Mr.A.R.Barate, Advocate for the applicants.

Mr.K.N.Lokhande, AGP for respondent/State.

Mr.Ram B.Deshpande, Advocate for respondent No.1.

(CORAM : PRAFULLA S. KHUBALKAR, J.)

DATE : JULY 9, 2025

PER COURT :

1. These are the applications for withdrawal of the amounts deposited by the Acquiring Body in accordance with the order dated 17.03.2023. The learned Advocate Mr.Barate for the applicants submits that the lands of the applicants have been acquired and now the

appeals are filed by the Acquiring Body. He submits that the applicants are entitled for withdrawal of the entire amount with interest since the appeals will take its' own time for final decision on merits. He refers to the order dated 11.08.2023 passed by this Court in FA No.2244/2022 which is arising out of the same project and where withdrawal is granted. Mr.Deshpande for the Acquiring Body opposes the application and submits that the enhancement was granted to the extent of 7 times and in First Appeal No.3614/2023, the reference is itself filed after delay. In view of this, he opposes the application.

2. The learned Advocate for the applicants also submits that in several other identical matters, this Court has permitted withdrawal of at least 75% amount in favour of the claimants and even in cases, where the enhancement is up to 10 times, the Acquiring Body even has not filed any appeals. Mr.Deshpande strongly opposes this submission. Be that as it may, in view of the submissions advanced with respect to the applications for withdrawal and considering the orders dated 11.08.2023 passed by this Court in CA No.5793/2023 in FA No.2244/2022, which is arising out of same acquisition proceedings, I am inclined to pass the following order :-

3. **These civil applications are allowed.** Applicants are permitted to withdraw 75% of the amount deposited in this Court along with interest accrued thereon, subject to conditions i.e. 50% on usual undertaking to be furnished with the Registrar (Judicial) of this Court, stating therein that, in case the appeals are decided against the claimants, they will deposit the amount immediately, and 25% of the amount alongwith proportionate interest thereon is permitted to be withdrawn after furnishing solvent surety / security. The balance amount of 25% be kept in Fixed Deposit in any Nationalized Bank on yearly renewal basis, till disposal of the first appeals.

(PRAFULLA S. KHUBALKAR, J.)