



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

929 CIVIL APPLICATION NO.2604 OF 2025
IN FA/754/2019

Gajarabai Chandarrao Bansode Died
Thr LRs Kailas Died
Thr LRs Mangal And Ors

....Applicants

Versus

The State of Maharashtra,
Through The Collector, Osmanabad And Ors

.....Respondents

.....

Shri. Estling S. Murge, Advocate for the Applicants
Shri. D. J. Patil, AGP for Respondents No.1 and 2
Shri. A. P. Yenegure, Advocate for Respondents No.4 and 5

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CORAM : NEERAJ P. DHOTE, J.

Dated : MARCH 18, 2025

PER COURT :-

1. Heard the learned Advocate for the Applicants, the learned AGP for Respondents No.1 and 2 and the learned Advocate for Respondents No.4 and 5.
2. None for Respondent No.3 - Acquiring Body.
3. The Appeal is preferred by the State.
4. This is the Application by the legal representatives of Deceased - Claimant, who are already brought on record in the Appeal for withdrawal of the amount to the extent of their share.
5. The learned Advocate for the Applicants submits that the legal heirs of the Original Claimant i.e. Applicants and Respondents No.4 and

5 had preferred the Civil Application Nos.3830/2024 and 10228/2024 for withdrawal of the amount deposited by the Appellant in this Court. The said Applications were allowed by the common order dated 20.09.2024 and the Applicants were allowed to withdraw the amount to the extent of 50% by furnishing undertaking to the satisfaction of the Registrar (Judicial) and 50% of the amount by furnishing surety / security to the satisfaction of Registrar (Judicial) of this Court. He submits that Respondents No.4 and 5 had not shown willingness to open bank account, and therefore the Applicants could not withdraw the amount of their share. He submits that the Application be allowed to the extent of the Applicants.

6. The learned Advocate appearing for Respondents No.4 and 5, who were the other legal representatives, submits that the Application be allowed. The learned AGP appearing for Respondents No.1 and 2 submits that appropriate orders be passed.

7. There is no dispute that the Applicants as well as Respondents No.4 and 5 were permitted to withdraw the amount by the said order dated 20.09.2024. The relevant paragraph of the said order is reproduced as under :

“5. For the reasons stated in the applications, the applications are allowed. The applicants are permitted withdraw 50% amount of compensation by furnishing undertaking to the satisfaction of the Registrar (Judicial)) and 50% of the amount of compensation by furnishing surety / security to the satisfaction of Registrar (Judicial).”

8. There were in all five (5) legal heirs of the Original Claimant. The learned Advocate for the Applicants and the learned Advocate for Respondent Nos.4 and 5 do not dispute that they were entitled for 1/5th share each. Hence, the Applicants are allowed to withdraw the amount to the extent of their share only in terms of the said order dated 20.09.2024. Application stands disposed of accordingly.

(NEERAJ P. DHOTE, J.)

GGP