



drp This order is corrected pursuant to the speaking to the minutes order dated 08.12.2025

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 8713 OF 2023
IN
FIRST APPEAL NO.2185 OF 2016

Mangal Manmohan Bidada

APPLICANT

VERSUS

The State of Maharashtra and Others

RESPONDENTS

.....

Mr. Sushant B. Choudhari, Advocate for the Applicant

Mr. A. V. Lavte, AGP for Respondent - State

Mr. G.S.Khaire h/f Mr. S.S. Dande, Advocate for Respondent No.2

Mr. V. G. Kodale, Advocate for Respondents No.7 to 9

.....

WITH
CIVIL APPLICATION NO. 2812 OF 2025
IN
FIRST APPEAL NO.2185 OF 2016

Chandabai Vijaykumar Kabra and Others

APPLICANTS

VERSUS

The State of Maharashtra and Others

RESPONDENTS

.....

Mr. V. G. Kodale, Advocate for the Applicants

Mr. A. V. Lavte, AGP for Respondent - State

Mr. G.S.Khaire h/f Mr. S.S. Dande, Advocate for Respondent No.2

.....

WITH
CIVIL APPLICATION NO. 5261 OF 2023
IN
FIRST APPEAL NO.2185 OF 2016

Kamalbai Fulchand Loya and Others

APPLICANTS

VERSUS

The State of Maharashtra and Others

RESPONDENTS

.....

Mr. Suraj V. Gundre, Advocate for the Applicants

Mr. A. V. Lavte, AGP for Respondent - State

Mr. G.S.Khaire h/f Mr. S.S. Dande, Advocate for Respondent No.2

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**[CORAM : NITIN B. SURYAWANSHI, &
VAISHALI PATIL-JADHAV, J. J.]**

DATE : 28th NOVEMBER, 2025

ORDER :

1. By these Applications, the Applicants seek withdrawal of the amount of their share of compensation deposited by the Acquiring Body.

2. 75% of the Award amount i.e. Rs.5,37,51,556/- is deposited by Respondent No.2. Out of said amount, four claimants have withdrawn an amount of Rs.2,68,75,778/- (i.e. 50% of the deposited amount of their share). Now the Applicants in these applications seek permission to withdraw the amount of their share, which according to them comes to Rs.67,18,944/-, which according to them is 50% of the deposited amount of compensation.

3. We have heard learned Advocates for the Applicants and Respondents.

4. Admittedly, the Apex Court has permitted one of the original claimants Suraj Fulchand Loya to withdraw 50% of the enhanced compensation granted to the claimants without furnishing security, but on undertaking and balance 50% on furnishing security to the Satisfaction of the Reference Court.

5. This Court, in order dated 6th February, 2019, passed in Civil Application No. 14731 of 2018, has made following observations:

“3..... It appears that in Civil Suit No. 717 of 1999, which is mentioned in the notarized document, the sisters were not made party defendants and it was filed by one brother against the other brothers. In the notarized document, it was mentioned that there was a partition decree in the suit and due to partition the land had gone to the share of Surajmal.

4. Firstly, the relinquishment in the property cannot be made by execution of such document. It is not registered and it has also no reference of entitlement of the daughters to get share in the compensation amount. There is no whisper about compensation amount, which the sisters were entitled to get in this disputed document. If this document is ignored then in that case even if it is presumed that the property acquired was ancestral property of Fulchand, in that case also after the death of Fulchand his property will have to be divided amongst his successors, who include his four daughters. Thus, apparently, the four daughters are entitled to get share in the compensation amount, which is lying in this Court.

5. The learned counsel representing Surajmal submitted that

those sisters were made party Respondents in the matter, but the learned counsels representing the sisters submit that no notice of said proceeding was received by them. There is a possibility that the aforesaid circumstances were not brought to the notice of the Supreme Court for getting entire amount of compensation by Surajmal. In view of this possibility and for protecting the interest of the daughters of Fulchand, this Court holds that it is necessary for Surajmal to approach the Supreme Court again and get the order of the nature showing that even when there are sisters, the amount is to be paid only to him. Both the applications are disposed of in aforesaid terms.”

6. In view of the above, though at earlier point of time this Court has rejected the request of the Applicants, we are of the view that the Applications deserve to be allowed.

7. In the result, following order

ORDER

- A. Civil Applications No. 8713 of 2023 and 2812 of 2025 are allowed. Civil Application No. 5261 of 2023 is dismissed.
- B. Each of the Applicant is permitted to withdraw an amount of Rs.67,18,944/- of the enhanced compensation of their share, along with proportionate interest accrued thereon, from the amount deposited by the Acquiring Body, on furnishing solvent surety / security to the satisfaction of the Registrar (Judicial) of this Court.

[VAISHALI PATIL-JADHAV]
JUDGE

[NITIN B. SURYAWANSHI]
JUDGE