



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

40 CIVIL APPLICATION NO. 13767 OF 2025
IN FAST/7759/2021

SOPAN MAHADU SHIMPI AND ORS.

VERSUS

SPECIAL LAND ACQUISITION OFFICER, MINOR IRRIGATION
JALGAON AND ORS.

WITH CIVIL APPLICATION NO. 5911 OF 2021
IN FAST/7759/2021 WITH CIVIL APPLICATION NO. 5912 OF
2021 IN FAST/7759/2021

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

AGP for Respondent/s-State : Mr. S. V. Hange.

Advocate for Respondent Nos.2 & 4 : Mr. R. A. Tambe.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 16.12.2025

PER COURT :-

1. Applicants seek to withdraw Rs.16,64,149/- deposited by the acquiring body.

2. It is informed that in similarly situated matters, this Court permitted the claimants to receive the amount on furnishing undertaking. It is further contended that only 50% amount has been deposited by the respondents/acquiring body. I propose to follow the same course in permitting the applicants to receive the amount with accrued interest.

3. Civil application for withdrawal of amount is partly allowed permitting the applicants to receive amount with accrued interest on furnishing undertaking to the satisfaction of the Registrar (Judicial) of this Court.

4. The decree holder or claimant shall be at liberty to withdraw the execution petition for partial satisfaction for being satisfied partially and in that case they would be at liberty to file execution for remaining amount in future, if so required.

First Appeal

5. **Admit.**

6. Learned counsel Ms. S. A. Kale holding for Mr. Kale Ajeet B. waives service of notice for respondents/claimants.

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

8. Print is dispensed with.

9. Both parties shall be at liberty to carry out the amendment. Time is extended by four (4) weeks to carry out amendment.

Civil Application for Delay

10. Learned counsel Ms. S. A. Kale undertakes to file Vakalatnama on behalf of respondent No.1 and legal heirs of respondent No.2.

11. For the reasons stated in the application, delay stands condoned.

12. Civil application is allowed.

Civil Application for Stay

13. As the amount has been deposited in pursuance of the order of this Court, ad-interim relief granted earlier, if any, shall stand confirm.

14. Civil application for stay is disposed of.

(SHAILESH P. BRAHME, J.)

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vmk/-