

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 5243 OF 2025
IN FA/895/2025

Vishwanath Shivram Dahiwade

VERSUS

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

...

Advocate for Applicants : Mr. Rakhunde Pravin B
AGP for Respondent/State : Mr. V.S. Badakh
Advocate for Respondent No.3 : Mr. Shirish G. Sangle

WITH

CIVIL APPLICATION NO. 5242 OF 2025 IN FA/894/2025 WITH
CIVIL APPLICATION NO. 6541 OF 2022 IN FA/894/2025 WITH
CIVIL APPLICATION NO. 6543 OF 2022 IN FA/895/2025

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : MAY 06, 2025

PER COURT :-

In Withdrawal Applications :

1. Heard Mr. Rakhunde, learned advocate appearing for applicants.
2. The applicants seek permission to withdraw the amount deposited by respondent/acquiring body in pursuance to award passed by Reference Court under the provisions of Land Acquisition Act.
3. Mr. Rakhunde invites attention of this Court to order dated 24.10.2024 passed in group of matters in Civil Application No.11332 of 2024 in First Appeal No.1444 of 2023 and contends that

in appeals arising out of same acquisition, this Court permitted withdrawal of 75% of compensation amount. Out of that, 50% is permitted on furnishing usual undertaking and 25% is permitted on furnishing solvent surety/security to the satisfaction of Registrar (Judicial) of this Court. He urges to adopt the same course.

4. Mr. Sangle, learned advocate appearing for respondent no.3 did not dispute that order dated 24.10.2024 pertains to same acquisition and same course can be followed in present applications.

5. In that view of the matter, civil applications for withdrawal of amount are partly allowed. The applicants are permitted to withdraw 50% of amount deposited in the office of this Court along with accrued interest on furnishing usual undertaking to the satisfaction of Registrar (Judicial) of this Court.

6. The applicants would be entitled for withdrawal of additional 25% of deposited amount on furnishing solvent surety/security to the satisfaction of Registrar (Judicial) of this Court.

7. Balance amount be kept in fixed deposit till final disposal of appeal.

8. Civil Applications stand disposed of.

In Stay Applications :

9. Heard Mr. Sangle, learned advocate appearing for applicants.

10. Learned advocate appearing for applicants submits that entire amount as per award passed under appeal is deposited in this Court. His statement is supported with office endorsement. In that view of the matter, civil applications for stay are allowed in terms of prayer clause (B) and disposed of.

In First Appeals :

11. Heard.

12. Admit. Print and paper book dispensed with

13. Learned AGP waives notice for respondent nos.1 and 2 and Mr. Rakhunde, learned advocate waives notice for respondent no.1.

(S.G. CHAPALGAONKAR, J.)