



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 5446 OF 2025
IN
FIRST APPEAL NO. 1281 OF 2021

1. Bhagwat s/o Sheshrao Andhale,
Age 52 yrs., Occ. Agri.
r/o Pimpla (Rui), Taluka Wadwani,
District Beed.
2. Abasaheb s/o Bhagwat Andhale,
Age 38 yrs. Occ. Agri.
r/o As above.
3. Babasaheb s/o Jagannath Bhosle
Age 37 yrs., Occ. Agri.
r/o As above.

... Applicants
[Ori. Claimants]

Versus

1. The Executive Engineer,
Irrigation Division, Beed,
Dist. Beed.
2. The State of Maharashtra,
Through the Collector, Beed.

... Respondents

WITH
CIVIL APPLICATION NO. 5453 OF 2025
IN
FIRST APPEAL NO. 1289 OF 2021

1. Babasaheb s/o Navnath Andhale
Age 59 yrs., Occ. Agri.,
r/o Pimpla (Rui), Taluka Wadwani,
District Beed.
2. Bibhishan s/o Navnath Andhale,
Age 49 yrs., Occ. Agri.,
r/o As above.

3. Atmaram Navnath Andhale
(Died) through L.Rs. are already
on record.

4. Raoji s/o Tukaram Toge
Age 42 yrs., Occ. Agri.,

... Applicants
[Ori. Claimants]

Versus

1. The Executive Engineer,
Irrigation Division, Beed,
Dist. Beed.

2. The State of Maharashtra,
Through the Collector, Beed.

... Respondents

.....

Mr. R. G. Hande, Advocate for the Applicants in both Applications.

Mr. Anand P. Raka h/f Mr. S. W. Munde, Advocate for Respondent
No.1 in both Applications.

Mrs. D. S. Jape, APP for Respondent No.2 in both Applications.

.....

CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 14.07.2025

Pronounced on : 21.07.2025

ORDER :-

1. The original claimants, who are respondents in the Appeals,
have preferred these two applications for withdrawal of the 25%
amount remaining with this Court out of the 75% amount deposited
by the acquiring body.

2. Learned counsel for the applicants submits that the acquiring body has deposited only 75% of the amount under award and the applicants have withdrawn 50% amount out of the said 75% amount deposited by the acquiring body, by order of this Court dated 03.04.2023. He submits that, this Court by order dated 19.01.2024 in connected matters arising out of the same award, i.e. Civil Application No. 14628 of 2023 in First Appeal No. 2434 of 2022, has permitted the applicants therein to withdraw the remaining 25% amount deposited with this Court. He submits that, in this view, the applications be allowed.

3. The applications are opposed by learned Advocate for the acquiring body. He submits that the hike is ten (10) times by the learned Reference Court and therefore, 75% amount has been deposited with this Court. He submits that the Applications be rejected. However, he does not dispute the said aspect that, in connected matters arising out of the same award, i.e. in Civil Application No. 14628 of 2023 in First Appeal No. 2434 of 2022, the applicants therein are permitted to withdraw the remaining 25% amount.

4. The learned AGP appearing for the State submits that appropriate orders be passed.

5. After hearing both the sides and considering the aspect that this Court has allowed the Applicants in the connected matters arising out of the same award to withdraw remaining 25% amount on furnishing regular undertaking, the applicants herein are allowed to withdraw 25% amount remaining with this Court along with accrued interest thereon on furnishing usual undertaking to the satisfaction of the learned Registrar (Judicial) of this Court. Applications stand disposed off accordingly.

[ABHAY S. WAGHWASE, J.]