

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

**948 CIVIL APPLICATION NO. 3360 OF 2025
IN FIRST APPEAL NO. 3319 OF 2017**

Babu Shivling Sakhare, Died, through LRs Kamalabai & Ors.
VERSUS
The State of Maharashtra, through the Collector, Osmanabad & Ors.

...
Mr. L. C. Patil – Advocate for the Applicants
Mr. R. D. Raut – AGP for the State
Mr. S. G. Bhalerao – Advocate for Respondent No. 3 through VC
.....

**AND
CIVIL APPLICATION NO. 3370 OF 2025
IN FIRST APPEAL NO. 3320 OF 2017**

Sumanbai Subhash Suryawanshi
VERSUS
The State of Maharashtra, through the Collector, Osmanabad & Ors.

...
Mr. L. C. Patil – Advocate for the Applicants
Mr. R. D. Raut – AGP for the State
Mr. S. G. Bhalerao – Advocate for Respondent No. 3 through VC
.....

**AND
CIVIL APPLICATION NO. 3371 OF 2025
IN FIRST APPEAL NO. 3318 OF 2017**

Manik Tukaram Shinde
VERSUS
The State of Maharashtra, through the Collector, Osmanabad & Ors.

...
Mr. L. C. Patil – Advocate for the Applicant
Mr. R. D. Raut – AGP for the State
Mr. S. G. Bhalerao – Advocate for Respondent No. 3 through VC
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CORAM : NEERAJ P. DHOTE, J.

DATED : 08TH APRIL 2025

PER COURT : -

1. These are the Applications for withdrawal of the remaining amount deposited by the Acquiring Body along with the interest accrued thereon. The Applicants are the original claimants. The Appeal is filed by the Acquiring Body.

2. It is submitted by the learned Advocate for the Applicants that, in connected L.A.Rs. the Acquiring Body has not filed Appeal and these are the only Appeals out of the same Acquisition Proceedings. He submits that the Applicants have withdrawn 75% amount deposited by the Acquiring Body. He submits that, in similar situation, this Court in Civil Application No. 6170 of 2024 in First Appeal No. 2657 of 2019, allowed the similar request. He also tenders across the bar a copy of order dated 27.03.2025 passed by this Court in a group of Applications being Civil Application No. 6416 of 2024 in First Appeal No. 3865 of 2019 and connected Applications.

3. Learned Advocate for the Acquiring Body opposes the Applications, however, there is no dispute about the said aspect.

4. Learned AGP for the Respondent Nos. 1 and 2 / State submits that appropriate orders be passed.

5. There is no dispute that by order dated 27.09.2024 passed in the aforesaid Civil Applications, this Court had considered and granted similar prayer. The Applicants herein are ready to furnish solvent surety/security towards withdrawal of the remaining 25% amount along with interest accrued thereon.

6. In view of the above, there is no impediment to allow the Applications and the same are allowed in terms of prayer clause 'B' therein, subject to furnishing solvent surety/security by the Applicants against the said withdrawal to the satisfaction of Registrar (Judicial) of this Court.

7. Civil Applications stand disposed off accordingly.

[NEERAJ P. DHOTE]
JUDGE