



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

**CIVIL APPLICATION NO. 3983 OF 2025
IN
FIRST APPEAL NO. 731 OF 2025**

Anant Vithal Magar and another .. Applicants

Versus

The State of Maharashtra and others .. Respondents

Shri Pravin B. Rakhunde, Advocate for the Applicants.
Shri D. B. Bhange, A.G.P. for the Respondent Nos. 1 and 2.
Shri G. V. Padalkar, Advocate h/f Shri D. V. Soman, Advocate for
the Respondent No. 3.

**CORAM : SHAILESH P. BRAHME, J.
DATE : 11TH JULY, 2025.**

FINAL ORDER :

. Applicants/original claimants are seeking withdrawal of amount of Rs. 20,32,541/- deposited by the respondent/acquiring body. It is submitted by the learned counsel for the applicants that under similar circumstances Coordinate Bench by order dated 01st April, 2016 passed in Civil Application No. 4132 of 2016 in First Appeal No. 1270 of 2016 permitted the applicants therein to receive the 50% of the amount on furnishing undertaking and 25% of the amount on furnishing solvent security/surety.

2. Learned counsel Mr. G. V. Padalkar, holding for Mr. D. V.

Soman, learned counsel for the acquiring body would vehemently oppose the application. It is submitted that unreasonable compensation has been awarded by the Reference Court. The respondent/acquiring body has every hope of success in the first appeal. If the amount is disbursed, it would be difficult to recover the same.

3. I have considered rival submissions of the parties. The Coordinate Bench vide order referred above permitted similarly situated applicants to receive 50% of the amount on furnishing undertaking and 25% of the amount by submitting solvent surety. If the acquisition in question is for self same purpose and under the self same proceedings, I prefer to follow the same course as done earlier. The anxiety expressed by the learned counsel for the acquiring body can be taken care of by imposing certain conditions instead of rejecting the application.

4. The civil application is partly allowed. The applicants shall receive 50% of the amount deposited along with accrued interest on furnishing undertaking to the satisfaction of the Registrar (Judicial) of this Court and further 25% of the amount along with accrued interest on furnishing solvent surety/security. The balance amount shall be invested in fixed deposit of any nationalized bank. The civil application is disposed of.

[SHAILESH P. BRAHME J.]

bsb/July 25