



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

**34 CIVIL APPLICATION NO. 6049 OF 2022
IN FA/2424/2022**

WITH

**CIVIL APPLICATION NO. 6756 OF 2016
IN FA/2421/2022**

WITH

FIRST APPEAL NO. 2485 OF 2021

WITH

**CIVIL APPLICATION NO. 14281 OF 2017
IN FA/2424/2022**

WITH

**CIVIL APPLICATION NO. 16880 OF 2022
IN FA/2424/2022**

**JAGANNATH SONU NEMADE (DIED) THROUGH LRS
BHAGIRATHABAI (DIED) GOVIND (DIED) THROUGH LRS.
SUNIL AND OTHERS
VERSUS
THE AREA MANAGER, M.I.D.C., JALGAON AND OTHERS**

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Mr. S.A. Mulla, Advocate holding for Ms. Usha Yadav, Advocate
for the original claimants.

Mr. S.S. Dande, Advocate for respondent No.1 Acquiring Body.

Mr. S.S. Patil, Advocate for respondent No.4.

Mr. Rajdeep Raut, A.G.P. for respondent / State.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 10 MARCH 2025

ORDER:-

**IN CA NO. 6049/2022, CA NO. 16880/2022 AND CA
NO.14281/2017 :**

1. Heard rival submissions.
2. It appears that initially all the legal representatives of

deceased Jagannath and Baghirathabai had filed CA No. 14281 of 2017 for withdrawal of entire amount of compensation. However, thereafter due to some family dispute, Arun Jagannath Nemade out of the aforesaid legal representatives preferred separate withdrawal application bearing CA No. 16880 of 2022. The remaining legal representatives had already filed another withdrawal application bearing CA No. 6049 of 2022. In view of subsequent two withdrawal applications, the initial CA NO. 14281 of 2017 is disposed of.

3 The learned Counsel for the respondent M.I.D.C. in both these applications strongly opposed the same by contending that the learned Reference Court has granted exorbitant amount of which is almost five times of the amount granted by SLAO. However, he submits that if the court is of opinion of granting withdrawal of 100 % amount of compensation, then some security is needed.

4. It is significant to note that though there is some dispute between the applicants/claimants, but under their joint affidavit dated 23.06.2023 filed on record, they have already decided as to how the compensation amount is to be distributed among themselves. According to the same, the applicants/claimants Sunil Jagannath Nemade, Rajnibai Ramesh Patil, Sunanda Janardan Choudhari and Arun

Jagannath Nemade have decided to take 1/5 share from the total compensation amount whereas Sou. Malti Prakash Nemade, Girish Prakash Nemade and Hemant Prakash Nemade will be getting 1/5th share out of the compensation amount jointly.

5. In view of the same, the applicants in both these applications are permitted to withdraw entire compensation amounts to the extent of aforesaid apportionment i.e. 75% on usual undertaking and 25% on furnishing solvent surety/security alongwith the proportionate interest accrued thereon till date to the satisfaction of the Registrar (Judicial) of this court.

6. The civil applications are accordingly disposed of.

IN CIVIL APPLICATION NO. 6756 OF 2016 :

. Since the appellant Acquiring Body has deposited entire amount of compensation as directed by this court, the stay application is made absolute in terms of its prayer and disposed of.

(SANDIPKUMAR C. MORE, J.)