

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

910 CIVIL APPLICATION NO.5484 OF 2025
IN FA/799/2022

Laxmikant Vitthal Mahajan

VERSUS

The Ex. Engineer, Laghu Patbandhare Vibhag Jalgaon And Ors

.....

AND

CIVIL APPLICATION NO. 5485 OF 2025
IN FA/798/2022

Ramrao Narayan Patil And Ors

VERSUS

The Exe. Director, Tapi Khore Vikas
Patbandhar Mahamandal, Jalgaon And Ors

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In both the matters :

Shri. Vinod Prakash Patil, Advocate for the Applicants
Shri. Chetan T. Jadhav, Advocate for Respondent Nos.1 and 2
Shri. R. B. Dhaware, AGP for the Respondent Nos.3 & 4 / State.

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CORAM : NEERAJ P. DHOTE, J.

Dated : MAY 08, 2025

PER COURT :-

. These are the Applications by the Orig. Claimants for withdrawal of the amount deposited by the Acquiring Body along with the interest accrued thereon.

2. It is submitted by the learned Advocate for the Applicants that in First Appeals preferred by the Acquiring Body, the Acquiring Body has deposited 100% amount under the Award. He submits that in the connected Appeal arising out of the same acquiring proceedings, this

Court by order dated 12.04.2019 in group of applications, one of which is Civil Application No.4291 of 2019, has permitted the Claimants therein to withdraw the entire 75% amount, which was deposited by the Acquiring Body, along with the interest accrued thereon. He submits that the Applications may be allowed.

3. The Applications are opposed by the learned Advocate for the Acquiring Body. He submits that, in the aforesaid matters, in which the withdrawal was permitted by the aforesaid order the deposit was 75% of the compensation under the Award and in the case on hand, the Acquiring Body has deposited the entire 100% amount and therefore, the said order would not be of any assistance to the Applicants. He submits that the Applicants have withdrawn some amount which was deposited by the Acquiring Body before the Reference Court. He further submits that, if at all this Court allows the Application, the Applicants will not give entire details before the Registry in respect of the amount withdrawn by them upto now.

4. The learned AGP appearing for Respondent Nos.3 and 4 submits that appropriate orders be passed.

5. On hearing both the sides and on perusal of the papers enclosed with the Applications, there is no dispute that the Applicants have withdrawn some amount which was deposited by the Acquiring Body

before the Reference Court. According to the learned Advocate for the Applicants, the said withdrawal was only upto 10%. The order which is relied by the learned Advocate for the Applicants shows that the Acquiring Body had deposited 75% amount and the Claimant therein was permitted to withdraw the entire 75% amount, against usual undertaking for 50% amount and against surety / security for 25% amount. Since the withdrawal was permitted in connected Appeal arising out of the same acquisition proceedings, the Applicants can be permitted to withdraw total 75% amount (including the amount already withdrawn i.e. the withdrawal shall not exceed 75%). The Applicants shall furnish Solvent Surety / Security against withdrawal of 25% amount and for remaining amount the Applicants shall furnish regular undertaking to the satisfaction of the learned Registrar (Judicial) of this Court. The Applicants shall furnish entire details with dates at the time of the withdrawal before the concerned Registrar (Judicial) of this Court as to how much amount they have withdrawn.

6. In this view of the matter, the Applications stand disposed off accordingly.

(NEERAJ P. DHOTE, J.)

GGP