

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 4305 OF 2025
IN FIRST APPEAL NO. 3446/2022

SACHIN SOPAN GORSE AND OTHERS

VERSUS

THE G.M.I.D.C. THROUGH ITS EX. ENGINEER, NANDUR MADHMESHWAR
KALWA VALJAPUR DIVISION AURANGABAD AND ANOTHER

...
Advocate for Applicants : Mr. Suresh N. Rodge
Advocate for Respondent No.1 : Mr. Ranjit B. Gaikwad

....
CORAM : SANDIPKUMAR C. MORE, J.

DATED : 01st AUGUST, 2025

ORDER:-

1. Heard rival submissions.
2. The application is filed by the applicants/ original claimant Nos. 1,3 and 4 for modification of the order passed by this Court in Civil Application No. 1101 of 2025, whereby present applicants and respondent No.3 i.e. original claimant Nos. 2 and 3 are allowed to withdraw 25% of the total compensation amount, on furnishing usual undertaking. However, the applicants are now claiming that due to inter-se dispute, respondent No.3 Shobabai Vitthal Gorse i.e. original claimant No.2 is not joining with the applicants for such withdrawal. Record shows that earlier also she did not join with the applicants for withdrawing earlier 50% amount of total compensation and therefore, this Court vide order dated 11.07.2023, had permitted the present applicants to withdraw their respective 50% amount separately. Learned Advocate for the applicants submits that, respondent

No.3, thereafter, has withdrawn the earlier 50% amount of compensation falling to her share individually.

3. It is significant to note that, the learned Reference Court under clause II of the operative order dated 2nd May 2018, has awarded enhanced compensation to these applicants and respondent No.3 separately to the extent of their shares in Gat No. 156 of village Khambala, Tq. Vaijapur, District Aurangabad. Their enhanced amounts are also calculated separately and those are deposited by the appellant/ acquiring body in the instant matter along with the interest. Therefore, instead of modifying the order dated 10.02.2025 passed in Civil Application No. 1101 of 2025, the present applicants can be allowed to withdraw 25% amount of total compensation awarded to them separately by the Reference Court as mentioned in clause II of the operative order dated 02.05.2018 along with the proportionate interest accrued thereon till date.

4. The office is directed to calculate the amounts of 25% falling to the shares of present applicants along with the interest till date, and to pay the same to them on furnishing usual undertaking to the satisfaction of the learned Registrar (Judicial) of this Court.

5. The civil application is accordingly disposed of.

(SANDIPKUMAR C. MORE)

Y.S. Kulkarni