



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

956 CIVIL APPLICATION NO. 4065 OF 2025
IN FA/753/2025

WITH

CIVIL APPLICATION NO. 167 OF 2021
IN FA/753/2025

MARUTI SAMBHA SHITRE AND ORS

VERSUS

THE STATE OF MAHARASHTRA THROUGH COLLECTOR,
OSMANABAD AND ORS

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Mr. L. C. Patil, Advocate for the Applicants

Mr. V. S. Badakh, AGP for Respondents-State

Mr. M. S. Kulkarni, Advocate for Respondent No.3 and for the
applicant in stay application

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 02.05.2025

PER COURT :-

. Mr. Patil, learned Advocate appearing for the applicants invites attention of this Court to the order dated 25.11.2024 passed in Civil Application No.12435 of 2024 in FA No.1018 of 2022 with companion matters to contend that, in sister appeals arising out of the same acquisition, this Court allowed withdrawal of 75% amount along with interest accrued thereon, subject to furnishing of usual undertaking and same course may be followed in the present case also.

2. Mr. Kulkarni, learned Advocate appearing for respondent No.3/acquiring body do not dispute that aforesaid order pertains to the same acquisition.

3. In that view of the matter, so as to maintain parity, the same course has to be followed in the present matter. In the result, following order is passed:-

::ORDER::

- a. Civil Application for withdrawal of amount is allowed.
- b. The applicants are allowed to withdraw 75% of the amount deposited along with accrued interest on furnishing usual undertaking.
- c. Balance 25% amount shall be invested in any nationalized bank to be renewed from time to time till disposal of the appeal.
- d. Civil application stands disposed of.
- e. Stay granted earlier, if any, to continue.

STAY APPLICATION

. Mr. Kulkarni, learned Advocate appearing for the applicant/acquiring body submits that entire amount as per the award passed by the Reference Court has been deposited with registry of this Court.

2. In that view of the matter, application is allowed in terms of prayer clause (B) and disposed of.

[S. G. CHAPALGAONKAR, J.]