



-1-

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**929 CIVIL APPLICATION NO. 11444 OF 2025
IN FA/2161/2021
WITH CIVIL APPLICATION NO. 11445 OF 2025 IN FA/2161/2021**

SHANKAR MARUTI PATIL AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA, THROUGH COLLECTOR, AT
OSMANABAD AND OTHERS

...
Advocate for Applicants : Mr. L. C. Patil
AGP for Respondent Nos. 1 and 2 : Mrs. A. S. Mantri
Advocate for Respondent No.3 : Mr. D. B. Pawar
...

WITH CIVIL APPLICATION NO. 125 OF 2019 IN FA/2161/2021

EXECUTIVE ENGINEER, IRRIGATION PROJECT MAJBUTIKARAN
DIVISION, OMERGA THROUGH MKVDC, PUNE
VERSUS
SHANKAR MARUTI PATIL AND ANOTHER

...
Advocate for Applicant No.1 : Mr. D. B. Pawar
AGP for Applicant Nos. 2 and 3 : Mrs. A. S. Mantri
Advocate for Respondents : Mr. L. C. Patil
...

CORAM : ABHAY S. WAGHWASE, J.

DATED : 14 OCTOBER 2025

PER COURT :-

CIVIL APPLICATION NO. 11444 OF 2025

1. Learned counsel for the applicant submits that applicant-original respondent no.2 in the First Appeal, namely, Prayagbai w/o Maruti Patil died on 11.06.2017 Copy of death certificate is annexed at Exhibit A.

2. In view of the above, the application is allowed in terms of prayer clauses (A) and (B) and disposed off accordingly. Consequent amendment be carried out forthwith.

CIVIL APPLICATION NO. 11445 OF 2025

1. This is an application seeking withdrawal of entire amount deposited by the respondent, along with interest accrued thereon. Learned counsel for the applicant submits that in similar matter, the claimants therein are permitted to withdraw the entire amount of compensation. He has also produced copy of order dated 07.01.2021 passed in Civil Application No. 7321 of 2020 in First Appeal No. 2924 of 2019 and the same is taken on record and marked "X" for identification purpose. Learned counsel for the acquiring body, though opposes the application, does not dispute the above aspect.

2. In view of the above, the applicants are permitted to withdraw the entire amount of compensation on the following terms :

- a) 75% of amount be paid on furnishing undertaking on usual terms.
- b) 25% amount be paid by furnishing solvent security to the satisfaction of the Registrar (Judicial) of this Court.

3. The Civil Application for withdrawal of amount is accordingly disposed off.

CIVIL APPLICATION NO. 125 OF 2019

1. Since the entire amount of compensation is deposited, there shall be stay to the impugned judgment and award as per prayer clause "B". The Civil Application for stay is also disposed off.

[ABHAY S. WAGHWASE, J.]

vre