



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

**932 CIVIL APPLICATION NO. 4359 OF 2025
IN FA/1179/2020**

Nitin Arvind Shingade

VERSUS

The State Of Maharashtra Through The Collector, Osmanabad And Ors

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Mr. Laxmikant C. Patil - Advocate for Applicant

Mr. R. B. Dhaware - AGP for State

Mr. Gulab B. Rajale - Advocate for Respondent No. 3

...

CORAM : NEERAJ P. DHOTE, J.

DATED : 25TH APRIL 2025

PER COURT : -

1. This is an Application by the Original Claimant / Respondent in the Appeal filed by the Acquiring Body, for withdrawal of the remaining 25% amount deposited by the Acquiring Body along with interest accrued thereon.

2. It is submitted by the learned Advocate for the Applicant/Claimant that this Court had permitted the Applicant/Claimant to withdraw 75% amount by order dated 5th April, 2022, which reads as under : -

"ORDER

(A) The Applications are hereby allowed as under : -

(i) The applicants/claimants are permitted to withdraw 50% of the

amount of compensation with accrued interest thereon on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.

(ii) The applicants are further permitted to withdraw 25% of the amount of compensation with accrued interest thereon on furnishing solvent surety / security to the satisfaction of the Registrar (Judicial) of this Court.

(iii) Remaining 25% of the balance amount shall be invested in Fixed Deposit Account in any nationalized bank initially for a period of one year with clause of renewal.

(iv) The civil applications are accordingly disposed of.”

3. He submits that he be permitted to withdraw the remaining 25% amount along with interest accrued thereon and Applicant is ready to furnish solvent security / surety against the said withdrawal. He submits that in the similar matters arising out of the same project, this Court by order dated 27.03.2025 passed in Civil Application Nos. 6416 of 2024 in First Appeal No. 3865 of 2019 and connected Applications, and by order dated 8th April, 2025 passed in Civil Application No. 3360 of 2025 in First Appeal No. 3319 of 2017 and connected Applications, permitted the Applicants therein to withdraw the remaining amount.

4. The aforesaid position is not disputed by the learned Advocate for the Acquiring Body and learned AGP for the State.

5. In view of the above undisputed factual aspect, the Application is allowed in terms of prayer clause ‘B’ thereof. The Applicant shall furnish solvent security / surety against the said

withdrawal of 25% amount to the satisfaction of the Registrar (Judicial)
of this Court.

6. Application stands disposed off.

[NEERAJ P. DHOTE]
JUDGE