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

**CIVIL APPLICATION NO. 4538 OF 2025
IN FAST/20723/2023**

**RAJENDRA S/O MURLIDHAR KADAM
VERSUS
THE EXECUTIVE ENGINEER MINOR IRRIGATION
DIVISION AND ORS**

...
**WITH
CIVIL APPLICATION NO. 8587 OF 2023
IN FAST/20723/2023
WITH
CIVIL APPLICATION NO. 8588 OF 2023
IN FAST/20723/2023**

**THE EXECUTIVE ENGINEER OSMANABAD MINOR
IRRIGATION DIVISION TQ AND DIST OSMANABAD AND
ORS**

**VERSUS
MURLIDHAR JYOTIRAM KADAM DIED THROUGH
LEGAL REPRESENTATIVES 1 RUSHIKESH RATNADEEP
KADAM AND ORS**

...
Shri S.C. Arora, Advocate for the appellant/ acquiring body.
Shri Mukund S. Patil, Advocate for the claimants.

...
CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 07th May, 2025

Per Court :-

Order on the Civil Application for withdrawal of amount:-

1. Heard.

2. This application is filed seeking withdrawal of amount deposited by the appellant in this Court along with interest pursuant to the impugned judgment and award passed by the learned Reference Court under Section 18 of the Land Acquisition Act. The applicants are the original claimants whose land came to be acquired by the acquiring body.

3. Learned advocate for the claimants submits that in other identical matters with respect to acquisition from adjacent villages, identical orders for withdrawal of amounts are already passed and, therefore, requests for passing similar orders for withdrawal of amount.

4. Learned advocate for the acquiring body opposes the application and submits that till the substantive appeal is decided, no withdrawal be permitted.

5. Considering the fact that the applicants/ claimants have lost their valuable lands and the acquiring body has deposited the amount towards compensation in this Court, it is in the interest of justice to allow the applicants/ claimants to withdraw part of the amount by directing some part to be deposited in a fixed deposit in any nationalized bank. Hence, I

pass the following order:-

(a) The applicants/ claimants are allowed to withdraw their 1/4th share out of the 75% deposited amount as follows:-

(i) 50% of the deposited amount along with accrued interest, by the acquiring body in this Court on furnishing an undertaking that in case the appeal is allowed, they shall redeposit the amount with interest in this Court within twelve weeks thereafter.

(ii) Further 25% of the amount along with accrued interest shall be allowed to be withdrawn to the applicants/ claimants on furnishing solvent surety/ security to the satisfaction of the learned Registrar (Judicial) of this Court.

(b) Remaining amount of 25% be invested in fixed deposit in any nationalized bank and be kept till disposal of the appeal.

(c) Civil Application No.4538/2025 for withdrawal of amount is, accordingly, disposed of.

Order on Civil Application No.8587/2023 for condonation of delay:-

6. This is an application seeking condonation of delay of 2367 days in filing the First Appeal.

7. It is submitted that delay in filing the appeal occurred because of requirement to obtain approvals and budgetary provision for arranging court fees. Counsel for the claimant has no objection for allowing this application.

8. Considering the reasons mentioned in paragraph Nos.6 and 7 of the application and the submissions advanced, delay of 2367 days is condoned subject to deposit of costs of Rs.3,000/- (Rupees Three Thousand) with the Bar Library of the Advocates' Association of Bombay High Court, Bench at Aurangabad, within four weeks from today. Civil Application No.8587/2023 is disposed of.