



47-sr971, 979, 963.odt

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

963 CIVIL APPLICATION NO. 9841 OF 2025 (for withdrawal)
IN FA/1204/2023

Kailas Laxman Khatake
VERSUS
The State Of Maharashtra

AND

971 CIVIL APPLICATION NO. 9877 OF 2025 (for withdrawal)
IN FA/1754/2024

Baburao Ramchandra Khatake
VERSUS
The State Of Maharashtra And Ors

WITH

CIVIL APPLICATION NO. 40 OF 2024 (for stay)
IN FA/1754/2024

AND

979 CIVIL APPLICATION NO. 9911 OF 2025 (for withdrawal)
IN FA/1713/2024

Vithoba Sadhu Jekate Died Through His Legal Heirs Parmeshwar
Vithoba Jekate And Ors
VERSUS
The State Of Maharashtra And Ors

WITH

CIVIL APPLICATION NO. 6235 OF 2024 (for stay)
IN FA/1711/2024

WITH

CIVIL APPLICATION NO. 6239 OF 2024 (for stay)
IN FA/1713/2024

WITH

CIVIL APPLICATION NO. 6237 OF 2024 (for stay)
IN FA/1712/2024

WITH
CIVIL APPLICATION NO. 9915 OF 2025 (for withdrawal)
IN FA/1710/2024

WITH
CIVIL APPLICATION NO. 9913 OF 2025 (for withdrawal)
IN FA/1712/2024

WITH
CIVIL APPLICATION NO. 6241 OF 2024 (for stay)
IN FA/1710/2024

WITH
CIVIL APPLICATION NO. 9910 OF 2025 (For withdrawal)
IN FA/1711/2024

Mr.Madhav Jadhav, Advocate h/f. Mr.Abhijeet More, Advocate for
applicants in respective matters

Mr.S.S.Dande, AGP for respondent – State Authorities

Mr.Madhav N. Kalyane, Advocate h/f Mr.Gulab B. Rajale and
Mr.D.R.Jethliya, Advocate for acquiring body in respective matters

CORAM : AJIT B. KADETHANKAR, J.

DATE : SEPTEMBER 12 2025

ORDER :-

These applications are filed by the claimants for
withdrawal of the amount deposited by the acquiring body in this
Court.

2. Learned counsel for the applicants – claimants places reliance on the **order dated 25.07.2025 in Civil Application No. 7696 of 2025 in In FA/1850/2024 with connected matters**. It is submitted that above referred matter arose out of the same land acquisition proceedings and the same award, which is the subject matter in the present First Appeals. He would further submit that in those identical matters, the applicants therein are permitted to withdraw 50% of the amount deposited, on furnishing usual undertaking to the satisfaction of learned Registrar (Judicial) and 25% amount on furnishing solvent security/surety. It is submitted that same order may be passed in these applications on parity.

3. On questioning, learned counsel for the respondent - acquiring body, in all fairness, agrees with the above factual position.

4. In view of the above, I pass the following order :-

(i) Civil applications for withdrawal of amount are partly allowed by permitting the applicants to receive 50% amount on furnishing undertaking and further 25% on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court.

Appeal Stamps:-

5. Issue notice to the respondents. Learned AGP waives notice for the respondent-State authorities.
6. The matters be listed after service of notice is complete. In the meantime, applicant/appellants shall take recourse to Chapter II of the Bombay High Court Appellate Side Rules, 1960, corresponding to the position of the matter.
7. Call Record and Proceedings.
8. The appellant is permitted to serve the respondents by any permissible mode of private service and file affidavit of service to that effect.

Applications for Stay:-

These applications are for filed for stay to the execution and operation of the judgment and ward, impugned in the First Appeals. As the entire amount has been deposited by the appellant/acquiring body, the stay granted earlier is made absolute. The applications are disposed of accordingly.

[AJIT B. KADETHANKAR, J.]

KBP