



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

**CIVIL APPLICATION NO. 4878 OF 2025
IN FAST/28938/2024**

Chandrakalabai Laxman Gayake Deceased Through Lrs

VERSUS

The Executive Engineer

...

Mr. N. J. Pahune-Patil, Advocate for Applicant

Mr. S. S. Dande, AGP for Respondent-State

Mr. S. G. Sangle, Advocate for Respondent no.1

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CORAM : AJIT B. KADETHANKAR.

DATED : 08TH OCTOBER, 2025

ORDER :-

. Feeling aggrieved by the judgment and award dated 13.02.2020, passed by the learned Civil Judge, Senior Division, Vaijapur in Land Acquisition Reference No.700 of 2010, the Acquiring Body has preferred this First Appeal.

2. In view of the order passed by this Court while granting stay to the execution and operation of the impugned judgment and award, the Acquiring Body has deposited the entire payable award amount together with interest accrued thereon in this Court. In view of that, present Civil Application is pressed in service by the applicants to seek withdrawal of such amount.

3. Mr. N. J. Pahune-Patil learned Advocate for the applicants would cite an order passed by this Court on 12.09.2023 in Civil Application No.11477 of 2023 in First Appeal Stamp No.6447 of 2023 with connected matters. Mr. N. J. Pahune-Patil, learned Advocate would submit that this Court in those matters have permitted the applicants to withdraw 75 percent of the total amount deposited by the Acquiring Body. He further submits that the cited matter arise out of the same land acquisition proceedings and same land acquisition award which is subject matter of the present appeal too. Mr. N. J. Pahune-Patil would submit that the objections raised by the Acquiring Body in the cited matters is also identical as is raised in the present appeals also. Hence, Mr. Pahune-Patil seeks permission to allow the applicants to withdraw 75 percent of the amount out of the total deposit made by the Acquiring Body in this Court.

4. Mr. S. G. Sangle, learned Advocate representing the respondent no.1/Acquiring Body in all fairness agrees with the submissions and facts cited by the learned Advocate for the applicants. Mr. Sangle, learned Advocate still maintains that the acquiring body adheres to the objections raised in the

appeal and will demonstrate how the exaggerated compensation is awarded by the learned Reference Court.

5. In view of this, I pass following order:

ORDER

- a. Civil Application stands partly allowed.
- b. Applicants are permitted to withdraw 75 percent of the total amount deposited by the Acquiring Body in this Court on furnishing usual undertaking to the satisfaction of the learned Registrar (Judicial) of this Court. Needless to mention, the withdrawal shall carry the interest accrued thereon.
- c. In above terms, Civil Application is disposed of.

(AJIT B. KADETHANKAR, J.)