



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**930 CIVIL APPLICATION NO. 4967 OF 2025
IN FAST/15635/2020**

VALMIK SAHEBRAO PATIL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

WITH CIVIL APPLICATION NO. 4966 OF 2025 IN FAST/15959/2020

ALKABAI UDESING PATIL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

WITH CIVIL APPLICATION NO. 4965 OF 2025 IN FAST/15632/2020

MANGA RAMA SONAWANE (DEAD) LILABAI MANGA SONAWANE
AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicant : Mr. Ajeet B. Kale
AGP for Respondent Nos. 1 and 2-State : Mr. S. P. Joshi
Advocate for Respondent No.3 : Mr. A. D. Pawar
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CORAM : ABHAY S. WAGHWASE, J.

DATED : 18 SEPTEMBER 2025

PER COURT :-

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1. This application is filed by original claimant for withdrawal of entire amount deposited by the acquiring body with with Court.

2. Learned counsel for the applicant points out that the acquiring body had deposited 50% of the amount under award before the learned Reference Court, which amount has already been withdrawn by the applicant-claimant. Learned counsel further submits that, remaining 50% amount has been deposited by the acquiring body before this Court. Learned counsel points out that, in a group of First Appeals arising out of the same acquisition proceedings, this Court has allowed withdrawal to the extent of 75% on usual undertaking, i.e. by order dated 21.04.2025 passed in Civil Application No. 4125 of 2025 in First Appeal Stamp No. 22522 of 2020. Learned counsel, by placing on record said order dated 21.04.2025, seeks similar treatment in the present application.

3. Learned counsel for the acquiring body, though opposed the application, concedes that in similar matters this Court has allowed withdrawal to the extent of 75% and submits that appropriate orders may be passed.

4. Considering the above submissions, the applicant is permitted to withdraw 50% amount out of the amount deposited by the acquiring body before this Court, subject to furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this

Court. The remaining 50% amount be deposited in any Nationalized Bank on yearly basis which would be renewed from time to time till disposal of the Appeals. The Application is accordingly disposed off.

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AND
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5. Learned counsel for the applicants-original claimants submits that in these matters, the acquiring body has deposited only 50% of the decretal amount with this Court. Learned counsel points out that the Division Bench of this Court, by order dated 04.04.2025 in Civil Application No. 3827 of 2025 in First Appeal No. 1189 of 2021 arising out of same acquisition proceedings, has permitted the applicants therein to withdraw entire 60% amount deposited by the acquiring body. Learned counsel also placed on record copy of this Court's order dated 21.04.2025 passed in Civil Application No. 4075 of 2025 in First Appeal Stamp No. 15378 of 2020 along with connected matters, wherein also similar order allowing withdrawal of entire 60% amount deposited in this Court has been passed. Learned counsel further submits that, in the present applications, since the acquiring body has deposited only 50% of the decretal amount, the same may be allowed to be withdrawn.

6. Learned counsel for the acquiring body does not dispute the above aspect and submits that appropriate orders be passed.

7. Heard each side. These are the Appeals at the instance of acquiring body, wherein 50% of the amount under award has been deposited by the acquiring body. When similarly placed applicants-claimants are permitted to withdraw the amount deposited by the acquiring body in the connected matters arising out of the same acquisition proceedings, I see no legal impediment in allowing these applications.

8. In view of the above, the applicants are permitted to withdraw the entire 50% amount of compensation which is deposited by the acquiring body with this Court, along with accrued interest thereon, on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.

9. The Applications stand disposed off accordingly.

[ABHAY S. WAGHWASE, J.]