



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

942 CIVIL APPLICATION NO. 6650 OF 2025
IN FA/2056/2024

PRAVIN VENKAT BUTUKANE AND ORS

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR
AND ORS

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Advocate for Applicant : Mr. Krishna G. Narwade h/f Mr. Ajeet
Babanrao Kale.

AGP for Respondents/State : Mr. B. A. Shinde.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 03.07.2025

PER COURT :-

1. Heard learned counsel for the applicants, learned AGP for respondents/State. None appears for the acquiring body.
2. Applicants are seeking withdrawal of amount of Rs.53,67,368/-. In support of his submission, he tenders on record order dated 19.06.2024 passed by Co-ordinate Bench in similarly situated matters permitting the claimants to withdraw 75% of the amount deposited on furnishing undertaking. There is no reason to disbelieve the submissions of the counsel for the applicants. If in similarly situated matters, applicants are permitted to withdraw 75% of amount on furnishing

undertaking, same course needs to be followed in the present matter also. Hence, following order :

ORDER

- (i) The application is partly allowed.
- (ii) The applicants are allowed to withdraw 75% of the deposited amount on usual undertaking to the effect that in-case the appeals are allowed, the applicants shall re-deposit the amount with interest within 12 weeks from the date of such order.
- (iii) Remaining 25% of the deposited amount shall be invested in the fixed deposit of any nationalized bank to be renewed from time to time till disposal of the amount.

In First Appeal

3. **Admit.**

4. Learned counsel Mr. Narwade holding for Mr. Kale waives service of notice for respondent Nos.1 to 4. Learned AGP waives service of notice for respondents/State.

5. Call for Record and Proceedings from the concerned Court.

6. This appeal shall be heard along with First Appeal No.1572 of 2023.

(SHAILESH P. BRAHME, J.)

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vmk/-