



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

**CIVIL APPLICATION NO. 5481 OF 2025
IN
FIRST APPEAL NO. 1675 OF 2025**

Sarojabai Vinayak Jadhav
Since deceased through L.Rs.
Vinayak Dharmaji Jadhav and others .. Applicants

Versus

The Executive Engineer Patbandhare
Majbutikaran Division Omerga and others.. Respondents

**WITH
CIVIL APPLICATION NO. 5482 OF 2025
IN
FIRST APPEAL NO. 1677 OF 2025**

Gouskha Bashirkha Patel .. Applicant

Versus

The Executive Engineer Patbandhare
Majbutikaran Division Omerga and others.. Respondents

Shri Pravin B. Rakhunde, Advocate for the Applicants in both matters.

Shri G. S. Khaire, Advocate Shri S. S. Dande, Advocate for the Respondent No. 1 in both matters.

Shri B. A. Shinde, A.G.P. for the Respondent Nos. 2 and 3 in both matters.

**CORAM : SHAILESH P. BRAHME, J.
DATE : 11TH JULY, 2025.**

FINAL ORDER :

. Heard both sides.

2. In First Appeal No. 1675 of 2025, respondent/acquiring body has deposited amount of Rs. 62,59,425/- and in First Appeal No. 1677 of 2025, respondent/acquiring body has deposited Rs. 47,73,994/-. By present civil applications, the amounts are sought to be withdrawn for the reasons stated therein. Learned counsel for the applicants draws my attention to the observations of the Reference Court indicating that on the ground of parity, the compensation has been awarded.

3. Learned counsel for the respondent/acquiring body opposes the application. He would insist that condition of furnishing bank guarantee shall be incorporated.

4. Considering rival submissions of the parties and contents of the applications, I find it fit to disburse 75% of the amount deposited along with accrued interest to the applicants. The request for condition of bank guarantee cannot be accepted because Reference Court decided matters on the ground of parity referring to various earlier decisions of the similarly situated matters.

5. The civil applications are partly allowed. The applicants shall be disbursed with 50% of the amount deposited along with

accrued interest on furnishing undertaking to the satisfaction of Registrar (Judicial) of this Court and further 25% of the amount deposited with accrued interest on submitting solvent security/surety. Balance amount shall be invested in fixed deposit of any nationalized bank. The civil applications are disposed of.

[SHAILESH P. BRAHME J.]

bsb/July 25