



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

**960 CIVIL APPLICATION NO. 6692 OF 2024
IN FA/1048/2022**

Eknath Sandu Patil Died
Thr Lrs Sakubai Eknath Patil and Ors.Applicants

VERSUS

The District Collector, Jalgaon and Ors.Respondents

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Ms. S. A. Kale h/f Mr. Kale Ajeet B., Advocate for Applicants
Mr. R. B. Dhaware, AGP for the Respondent Nos.1 to 3 – State
Mr. A. D. Pawar, Advocate for Respondent Nos.4 and 5

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CORAM : NEERAJ P. DHOTE, J.

DATE : 09.04.2025

PER COURT :

[I] ORDER IN CIVIL APPLICATION :-

1. This is an Application for withdrawal of the amount by the Original Claimants, who are the Respondents in the Appeal filed by the Acquiring Body.

2. Heard the learned Advocate for the Applicants, learned AGP for the Respondents – State and the learned Advocate for Respondent Nos.4 and 5 – Acquiring Body.

3. There is no dispute that, the Applicants were permitted to withdraw 27% of the amount under the Award, which was deposited by the Acquiring Body. There is also no dispute that, remaining 73% balance amount under Award was deposited by the Acquiring Body. There is also no dispute that, certain amount has been permitted to be withdrawn by the Applicants, which comes to 23%. There is no dispute that, the total amount under the Award goes to Rs.3,63,20,077/-. There is no further dispute that, out of the said amount, the Applicants have withdrawn Rs.1,65,71,019/- and the remaining amount comes to Rs.1,97,49,058/-.

4. The learned Advocate for the Applicants submits that, out of the said remaining amount, the Applicants be permitted to withdraw 75% amount against undertaking for 50% amount and solvent surety / security for 25% amount.

5. The learned Advocate for the Acquiring Body submits that, the remaining amount after withdrawal be invested in fixed deposits in any Nationalized Bank.

6. In view of the above, the Application is partly allowed. The Applicants are allowed to withdraw 75% amount of the remaining amount i.e. Rs.1,97,49,058/-. The Applicants shall furnish usual undertaking before the Registrar [Judicial] of this Court against 50% amount and furnish solvent surety / security against withdrawal of 25% amount. The remaining amount after the said withdrawal be invested in fixed deposits in any Nationalized Bank on yearly basis, which shall be renewed from time to time till the Appeal is decided.

7. Civil Application stands disposed off accordingly.

[II] ORDER IN FIRST APPEAL :-

1. Heard.

2. **Admit.**

3. Issue notice to the Respondents. The learned AGP waives service of notice for Respondent Nos.1 to 3 - State and the learned Advocate Mr. Pawar waives service of notice for Respondent Nos.4 and 5.

4. Call for Record and Proceedings with Paper-book.