



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

**961 CIVIL APPLICATION NO. 6693 OF 2024
IN FA/1049/2022**

Chintaman Arjun Bhonde

....Applicant

VERSUS

The Collector, Jalgaon And Ors.

.....Respondent

.....

Ms. S. A. Kale h/f Mr. Kale Ajeet B., Advocate for Applicant
Mr. Rajdeep D. Raut, 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 Claimant, who is the Respondent in the Appeal filed by the Acquiring Body.

2. Heard the learned Advocate for the Applicant, 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 Applicant was 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 There is also no dispute that, certain amount has been permitted to be withdrawn by the Applicant, which comes to 23%. There is no dispute that, the total amount under the Award goes to Rs.2,30,22,476/-. There is no further dispute that, out of the said amount, the Applicants have withdrawn Rs.1,05,03,869/- and the remaining amount comes to Rs.1,25,18,607/-.

4. The learned Advocate for the Applicant submits that, out of the said remaining amount, the Applicant 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 Applicant is allowed to withdraw 75% amount of the remaining amount i.e. Rs.1,25,18,607/-. The Applicant 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.