

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

**908 CIVIL APPLICATION NO. 5326 OF 2025
IN FA/360/2021**

Mahadu s/o Nagnath Bhosale

VERSUS

The State Of Maharashtra Through The Collector, Osmanabad & Ors.

...

Mr. Laxmikant C. Patil - Advocate for Applicant

Mr. R. D. Raut - AGP for Respondent/State

Mrs. Sunita D. Shelke - Advocate for Respondent No. 3

...

CORAM : NEERAJ P. DHOTE, J.

DATED : 06TH MAY 2025

PER COURT : -

1. This is an Application by the Original Claimant for withdrawal of the entire 75% amount deposited by the Appellant/Acquiring Body in this Court.

2. Heard the learned Advocate for the Applicant/Claimant and the learned Advocate for the Acquiring Body.

3. The Appeal is preferred by the Acquiring Body against the Judgment and Award dated 19.09.2014 passed by the Jt. Civil Judge Senior Division, Omerga, in Land Acquisition Reference No. 221/2013, by which the compensation has been enhanced 7 to 8 times than the

compensation granted by the Special Land Acquisition Officer. The Acquiring Body has deposited 75% amount under the Award along with interest accrued thereon. There is no dispute on the aspect that the learned Reference Court in connected Reference Applications has permitted the Claimants therein to withdraw the entire 100% amount, which was deposited by the Acquiring Body before the learned Reference Court.

4. The learned Advocate for the Acquiring Body submits that the withdrawal may be permitted only against some security / surety.

5. 25% amount is already secured with the Acquiring Body. In this view of the matter, I see no impediment to allow the Applicant/Claimant to withdraw the entire 75% amount deposited by the Acquiring Body on furnishing undertaking to the satisfaction of the Registrar (Judicial) of this Court.

[NEERAJ P. DHOTE]
JUDGE