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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**7 CIVIL APPLICATION NO. 6195 OF 2025
IN FA/1206/2021**

GAYABAI BALIRAM JADHAV (HUKKE)
VERSUS
THE STATE OF MAHARASHTRA THROUGH COLLECTOR,
OSMANABAD AND OTHERS

.....

Mr. L. C. Patil, Advocate for the applicant
Mrs. D. S. Jape, APP for Respondent Nos. 1 and 2
Mr. R. A. Tambe, Advocate for Respondent No.3

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**WITH
CIVIL APPLICATION NO.4799 OF 2021 IN FA/1206/2021**

THE EXECUTIVE ENGINEER, IRRIGATION DEPARTMENT
STRENGTHENING DIVISION, OMERGA AND OTHERS
VERSUS

GAYABAI BALIRAM JADHAV (HUKKE)

.....

Mr. R. A. Tambe, Advocate for the Appellant
Mrs. D. S. Jape, APP for the State
Mr. L. C. Patil, Advocate for the Respondent

**WITH CIVIL APPLICATION NO.7774 OF 2025
IN FA/1205/2021
WITH CIVIL APPLICATION NO.7772 OF 2025 IN FA/1205/2021**

DADARAO S/O TUKARAM GODASE (MANE) DIED THROUGH LRS
VIJAY @VIJAYA S/O DADARAO GODASE (MANE) AND OTHERS
VERSUS

THE STATE OF MAHARASHTRA THROUGH COLLECTOR,
OSMANABAD AND OTHERS

.....

Mr. L. C. Patil, Advocate for the applicants
Mrs. D. S. Jape, APP for Respondent Nos. 1 and 2
Mr. R. A. Tambe, Advocate for Respondent No.3

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**WITH
CIVIL APPLICATION NO.4797 OF 2021
IN FA/1205/2021**

THE EXECUTIVE ENGINEER, IRRIGATION DEPARTMENT
STRENGTHENING DIVISION, OMERGA AND OTHERS
VERSUS
DADARAO S/O TUKARAM GODASE (MANE) DIED THROUGH LRS
VIJAY @VIJAYA S/O DADARAO GODASE (MANE) AND OTHERS

.....
Mr. R. A. Tambe, Advocate for the Appellant
Mrs. D. S. Jape, APP for the State
Mr. L. C. Patil, Advocate for the RespondentS

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**CORAM : ABHAY S. WAGHWASE, J.
DATED : 28 JULY 2025**

PER COURT :-

CIVIL APPLICATION NO. 6195 OF 2025
AND
CIVIL APPLICATION NO. 7774 OF 2025

1. These are Applications for withdrawal of amount deposited by the Acquiring Body along with interest accrued thereon. The respective Appeals are filed by the Acquiring Body in respect of lands acquired for Dhotri Storage Tank in File No. 1999/LNQ/CR-36.

2. Heard the learned Advocate for the Applicants, the learned Advocate for the Acquiring Body as well as the learned AGP for the respondent-State.

3. There is no dispute that, this Court, in connected Appeals, which are arising out of the same acquisition proceedings for Dhotri Storage Tank in File No. 1999/LNQ/CR-36, has permitted the applicants/Claimants therein to withdraw the amount. A copy of the order dated 03.07.2025, passed in Civil Application No. 6197 of 2025 in First Appeal No. 1225 of 2021 is made available for perusal. The Applications in hand are also arising out of the same Storage Tank and therefore, the same course is to be followed. Hence, the Applications are allowed in terms of the said order.

4. The Applicants are allowed to withdraw 75% of the amount with accrued interest deposited in this Court on furnishing usual undertaking and remaining 25% amount be invested in fixed deposits in any Nationalized Bank to be renewed from time to time till disposal of the respective Appeals. Both Applications are disposed off accordingly.

CIVIL APPLICATION NO. 4799 OF 2021
AND
CIVIL APPLICATION NO. 4797 OF 2021

5. These are applications seeking stay to the effect and operation of the impugned judgment and award.

6. There is no dispute that, the Acquiring Body has deposited the entire amount under the Award along with interest accrued thereon. Therefore, the stay granted by the order dated 30.07.2021 is made absolute and the Applications are disposed off in terms of respective prayer clause "B".

CIVIL APPLICATION NO. 7772 OF 2025

7. Learned counsel for the applicants seeks four weeks time to rectify the death certificate which is sought to be put to use to bring the legal representatives on record.

8. One week time is granted. Stand over to 04.08.2025.

[ABHAY S. WAGHWASE, J.]

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