



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

**CIVIL APPLICATION NO. 12769 OF 2024
IN
FIRST APPEAL STAMP NO. 17412 OF 2023**

Dagdu Magan Palhate .. Applicant

Versus

The Executive Engineer Minor
Irrigation Division No. 1 Aurangabad
and another .. Respondents

Shri Dnyaneshwar A. Bide, Advocate for the Applicant.
Shri Ramdas B. Singare, Advocate for the Respondent No. 1.
Mrs. M. N. Ghanekar, A.G.P. for the Respondent No. 2.

**CORAM : SHAILESH P. BRAHME, J.
DATE : 13TH NOVEMBER, 2025.**

FINAL ORDER :

. Heard both sides.

2. Applicant claims disbursal of amount of Rs. 17,53,044/- deposited by the acquiring body in this Court. Reliance is placed on the order dated 19th September, 2022 passed by the Coordinate Bench of this Court in C. A. No. 13159 of 2022 permitting the then claimant to receive 75% of the amount on furnishing undertaking and 25% of the amount on furnishing solvent security/surety.

3. It is submitted that the enhancement of the rate by the

Reference Court is to the tune of Rs. 4,050/- per R, whereas in the matter referred above, it was enhanced to Rs. 6,046/- per R.

4. Learned counsel for the respondent – acquiring body opposes the submissions of the learned counsel for the applicant stating that in the earlier matter the land was held to be irrigated land, whereas in the present matter it is held to be seasonal irrigated. It is further submitted that acquiring body has every hope of success in the first appeal.

5. I have considered rival submissions of the parties. In the present matter land is treated to be seasonal irrigated. The nature of the land is yet to be finally determined. I would prefer to follow the same course as is done in the matter referred above, but with certain modifications.

6. The civil application is partly allowed. The applicants shall be entitled to receive 60% of the amount deposited with accrued interest on furnishing undertaking and remaining 40% of the amount deposited with accrued interest on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court. The civil application is disposed of.

[SHAILESH P. BRAHME J.]