



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

**CIVIL APPLICATION NO. 10248 OF 2025
IN FAST/16196/2023**

Bhaskar S/o Narsing Ugade

VERSUS

The State Of Maharashtra Through The Collector,
Osmanabad,

...

Mr. L. C. Patil, Advocate for Applicant

Mr. S. V. Hange, AGP for Respondents-State

Mr. S. S. Dande, Advocate for Respondent no.3

...

WITH

CIVIL APPLICATION NO. 6976 OF 2023 IN FAST/16196/2023

WITH

CIVIL APPLICATION NO. 6977 OF 2023 IN FAST/16196/2023

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CORAM : AJIT B. KADETHANKAR.

DATED : 20TH SEPTEMBER, 2025

ORDER :-

CIVIL APPLICATION NO. 10248 OF 2025 IN FAST/16196/2023

. This Civil Application is filed by the original claimant for withdrawal of the amount deposited by the Acquiring Body in this Court. The Acquiring Body has presented the First Appeal against the judgment and award dated 21.01.2022, passed by the learned Joint Civil Judge, Senior Division, Osmanabad in L.A.R. No.36 of 2021.

2. It is not disputed that the entire awarded amount together with interest accrued therein is deposited by the Acquiring Body in this Court.

3. The claimant/applicant has moved present Civil Application seeking withdrawal of the deposited amount. It is submitted by the applicant that the entitlement of the claimants to the awarded amount has been adjusted by the learned Reference Court after scrutinizing the evidence on record and appreciating the facts of the case. Learned Advocate for the applicant further submits that the land of claimant is acquired by the Acquiring body under compulsory acquisition and that they should not be deprived of the legitimate amount which is decided by the learned Reference Court.

4. Per contra, learned AGP for the Acquiring Body submits that there is disproportionate enhancement by the learned Reference Court in the compensation whereby the compensation granted by the Competent Authority i.e. S.L.A.O. has been exorbitantly enhanced by the learned Reference Court.

5. Having heard both the parties, I find that today the award stands in favour of the claimants. The amount deposited by the Acquiring Body is pending idle in the bank. Hence, I pass following order:

ORDER

- a. Civil Application is partly allowed.
- b. Applicant is permitted to withdraw 50 percent of the deposited amount on furnishing usual undertaking and further 25 percent on furnishing solvent surety/security to the satisfaction of learned Registrar (Judicial) of this Court.
- c. Civil Application stands disposed of.

CIVIL APPLICATION NO. 6976 OF 2023 IN FAST/16196/2023 (DELAY)

. This is an application seeking condonation of delay of 279 days caused in filing present First Appeal against judgment and award dated 21.01.2022, passed by the learned Joint Civil Judge, Senior Division, Osmanabad in L.A.R. No.36 of 2021.

2. For the reasons stated in the application, Civil Application is allowed in terms of prayer clause 'A'.
3. Delay caused in filing First Appeal stands condoned.
4. Registry to register the First Appeal, subject to removal of all office objections within period of two weeks from today.

FIRST APPEAL ST. NO.16196 OF 2023

. Issue notice to the respondents. Mr. L. C. Patil, learned Advocate waives service of notice for respondent no.1. Learned AGP waives service of notice for respondent nos.2 and 3.

CIVIL APPLICATION NO. 6977 OF 2023 IN FAST/16196/2023 (STAY)

. It is not disputed that pursuant to the earlier orders passed by this Court while granting stay to the execution and operation of the judgment and award impugned in the First Appeal, the Acquiring Body/appellant has deposited entire amount together with interest in this Court. The claimants are already permitted to withdraw a substantial portion of such deposited amount.

2. In view of this, I pass following order:

ORDER

- a. Civil Application stands allowed.
- b. Stay granted earlier is made absolute.

(AJIT B. KADETHANKAR, J.)