



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 6193 OF 2025
IN FIRST APPEAL/232/2021

NAGNATH TUKARAM SURVASE
VERSUS
THE STATE OF MAHARASHTRA, THROUGH THE COLLECTOR,
OSMANABAD AND ANOTHER

.....
Mr. Laxmikant C. Patil, Advocate for Applicant.
Mr. N. D. Batule, APP for Respondent No.1 – State.
Mr. Madhav Kalyane h/f. Mr. Gulab B. Rajale, Advocate for Respondent No.2.
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CORAM : ABHAY S. WAGHWASE, J.

DATED : 14 JULY 2025

PER COURT :

1. This is an Application by the Original Claimant/Respondent in the Appeal filed by the Acquiring Body for withdrawal of the remaining 40% amount deposited by the Acquiring Body along with interest accrued thereon.

2. It is submitted by the learned Advocate for the Applicant/Claimant that this Court had permitted the Applicant/claimant to withdraw 60% amount by order dated 07.01.2021 in Civil Application No.6433 of 2020 and connected matters, which reads as under : -

“Heard both the sides. Out of the total compensation deposited by the acquiring body, the applicants are permitted

to withdraw 60% of the compensation amount on following terms:

a) The applicants are permitted to withdraw 50% of the amount on furnishing undertaking on usual terms to the satisfaction of the Registrar (Judicial) of this Court.

b) Remaining 10% amount be withdrawn on furnishing solvent security to the satisfaction of the Registrar (Judicial) of this Court.

2. Applications are disposed of.”

3. He submits that Applicant/Claimant be permitted to withdraw the remaining 40% amount along with interest accrued thereon and Applicant is ready to furnish solvent securities / sureties against the said withdrawal. He submits that in the similar matters arising out of the same project, this Court by order dated 27.03.2025 passed in Civil Application Nos. 6416 of 2024 in First Appeal No. 3865 of 2019 and connected Applications, and by order dated 08.04.2025 passed in Civil Application No. 3360 of 2025 in First Appeal No. 3319 of 2017 and connected Applications, permitted the Applicants therein to withdraw the remaining amount.

4. The aforesaid position is not disputed by the learned Advocate for the Acquiring Body and learned AGP for the State.

5. In view of the above undisputed factual aspect, the Application is allowed in terms of prayer clause 'B' thereof. The Applicant shall furnish solvent securities / sureties against the said withdrawal of 40% amount to the satisfaction of the Registrar (Judicial) of this Court.

6. Application stands disposed off.

(ABHAY S. WAGHWASE, J.)