



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

**CIVIL APPLICATION NO. 8892 OF 2025
IN FAST/17573/2023**

Ram Shamrao Mane

VERSUS

The State Of Maharashtra Through Collector Osmanabad And
Ors

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Mr. S. N. Patne, Advocate for Applicant

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

Mr. M. N. Kalyane h/f Mr. G. B. Rajale, Advocate for
Respondent no.3

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WITH

**CIVIL APPLICATION NO. 7290 OF 2023
IN FAST/17573/2023**

WITH

**CIVIL APPLICATION NO. 7291 OF 2023
IN FAST/17573/2023**

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CORAM : AJIT B. KADETHANKAR.

DATED : 20TH SEPTEMBER, 2025

ORDER :-

CIVIL APPLICATION NO. 8892 OF 2025 IN FAST/17573/2023

. Feeling aggrieved by the judgment and award dated 03.09.2022, passed by the learned Joint Civil Judge, Senior Division, Omerga, Dist. Osmanabad in L.A.R. No.414 of 2014, the Acquiring Body has lodged present appeal.

2. It is not in dispute that the Acquiring Body/appellant

has also deposited the entire amount together with accrued interest as was awarded by the learned Reference Court. Present Civil Application is filed by the claimants for withdrawal of the amount deposited by the appellant/Acquiring Body.

3. Mr. S. N. Patne, learned Advocate for the claimants would submit that his land has been acquired by the Acquiring Body under compulsory acquisition and after adjudication of the award, learned Reference Court has enhanced the quantum of compensation. He further submits that applicant is in dire need of money and hence their application be allowed. Mr. Patne places reliance on order dated 11.09.2025, passed by this Court in Civil Application No.7288 of 2023 in First Appeal St. No.17565 of 2023. Mr. Patne would submit that the land acquisition proceeding and notification which are the subject matter of First Appeal No.17565 of 2023 are the same. He would therefore submit that objection of the Acquiring Body in First Appeal St. No.17565 of 2023 is also the same in the present appeal. Hence, on the principle of parity Mr. Patne seeks withdrawal of the award amount in tune of cited order.

4. It is pertinent to note that while obtaining the order dated 11.09.2025, Mr. Patne has cited another order dated 05.04.2024, passed by this Court in Civil Application No.3298 of 2024 in First Appeal No.842 of 2024.

5. Mr. G. B. Rajale, learned Advocate for the Acquiring Body fairly agrees the factual position and places no objection for withdrawal of 75 percent amount deposited by the Acquiring Body in this Court. However, he would submit that some riders be put on the withdrawal.

6. In view of above submissions, I pass following order:

ORDER

- a. The application is partly allowed.
- b. The applicant is permitted to withdraw 75 percent of the amount deposited with this Court. Out of it, 50 percent amount be released on furnishing undertaking that they would deposit the amount if the impugned judgment and award is reversed, and 25 percent amount be released on furnishing on solvent surety/security.
- c. The balance amount be invested in fixed deposit in any nationalized bank, as per rules.

CIVIL APPLICATION NO. 7290 OF 2023 IN FAST/17573/2023 (DELAY)

. This Civil Application is filed by the Acquiring Body seeking condonation of delay of 78 days challenging the judgment and award dated 03.09.2022, passed by the learned Joint Civil Judge, Senior Division, Omerga, Dist. Osmanabad in L.A.R. No.414 of 2014.

2. Heard both the parties.

3. Learned Advocate Mr. S. N. Patne, appearing for respondent no.1 has placed his no objection for condonation of the delay.

4. For the reasons stated in the application, I pass following order:

ORDER

a. Civil Application stands allowed in terms of prayer clause 'B'

b. Delay of 78 days caused in filing present First Appeal stands condoned.

c. Appellant to remove all the office objections, if any, within period of two weeks from today.

d. Subject to removal of office objections, Registry to register the First Appeal.

FIRST APPEAL ST. NO.17573 OF 2023

- . Heard.
2. Admit.
3. Issue notice to the respondents. Learned Advocate Mr. S. N. Patne, waives service of notice for respondent no.1. Learned AGP waives service of notice for respondent-State.
4. Call Record and Proceeding.

CIVIL APPLICATION NO. 7291 OF 2023 IN FAST/17573/2023 (STAY)

- . Heard both the parties.
2. There is no dispute that the entire awarded amount together with accrued interest is deposited in this Court by the Acquiring Body pursuant to the order passed by this Court while granting stay to the execution and operation of the impugned judgment and award in the First Appeal.
3. Today a portion of the awarded amount is also permitted to be withdrawn by the claimants.
4. In view of above, Civil Application stands allowed in terms of prayer clause 'B'.
5. Stay granted earlier is made absolute herein.

(AJIT B. KADETHANKAR, J.)