



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

**916 CIVIL APPLICATION NO. 9303 OF 2025
IN FAST/17403/2025**

SAYYAD JULPHEKAR SAYYAD JAMIL AHEMAD ALIAS JULFIKHAR JAMIL
SAYYAD

VERSUS

THE STATE OF MAHARASHTRA THROUGH AND ANR
WITH

**CIVIL APPLICATION NO. 6509 OF 2025
IN FAST/17403/2025**

THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION NO 1
AURANGABAD AND ANR

VERSUS

SAYYAD JULPHEKAR SAYYAD JAMIL AHEMAD
WITH

**CIVIL APPLICATION NO. 6508 OF 2025
IN FAST/17403/2025**

Mr. N.J. Pahune Patil, Advocate for the applicant.

Mr. D.B. Pawar, Advocate for respondent No.1.

Ms.R.R. Tandale, AGP for the respondent-State.

CORAM : KISHORE C. SANT, J.

DATE : 08.10.2025

PC :-

CIVIL APPLICATION FOR WITHDRAWAL OF AMOUNT.

01. Heard learned Advocate for the parties. This application is for withdrawal of amount deposited by the appellant – Acquiring Body in the Reference Court.

02. This application is opposed by the learned Advocate Mr. Pawar for the appellant. He submits that his objection is mainly in respect of name of the applicant. In the application, name of the

applicant is written as Sayyad Julphekar Sayyad Jamil Ahemad as given in the judgment and below that he has given his name Julfikhar Jamil Sayyad, as appearing on the Aadhar Card. He submits that both these persons are two different persons. Unless the applicant satisfies that he is one and same person, no application be allowed.

03. Learned Advocate Mr. Pahune Patil submits that in-fact both these persons are same person. While preparing Aadhar Card, by mistake spelling of Julfikhar is wrongly typed. The reference was filed in the year 2007 and it is because of this there appears to be change in the name. He produced on record copy of Aadhar Card.

04. Mr. Pahune Patil further submits that in similar matters, this Court has permitted to withdraw 90% of the amount deposited in the Reference Court with accrued interest on filing undertaking.

05. Considering the above, this Court finds that there is no difficulty in accepting that both the names are of the same person. So far as withdrawal is concerned, this Court finds that it would be in the interest of justice to allow this application in the following terms. :=

- i) This Civil Application is allowed.
- ii) The applicant is permitted to withdraw 50% of the amount deposited in the Reference Court along with accrued interest on furnishing usual undertaking that in-case the appeal is allowed, the applicant shall re-deposit the said amount with interest within 12 weeks

from the date of such judgment. Copy of the undertaking be placed in the appeal.

- iii) Further 25% of the amount is allowed to be withdrawn on furnishing solvent surety/security to the satisfaction of the Reference Court.
- iv) Remaining amount of 25% be kept in fixed deposit of any nationalized bank, to be renewed from time to time till disposal of the appeal.

CIVIL APPLICATION FOR CONDONATION OF DELAY

01. Heard. For the reasons stated in the application, the delay caused in filing the appeal stands condoned. The Civil Application is allowed. The First Appeal be registered.

CIVIL APPLICATION FOR STAY

01. Since the appellant has already deposited the amount in the Reference Court, there shall be stay to the impugned judgment and award till disposal of the appeal.

02. Civil Application is accordingly allowed and is disposed off.

FIRST APPEAL

01. Heard.

02. Admit.

03. Call for record and proceedings.

04. Learned Advocate Mr. Pahune Patil waives service of notice for the respondents.

[KISHORE C. SANT, J.]