



IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD

8 CIVIL APPLICATION NO. 6679 OF 2025
IN FAST/11836/2021

SUBHASH SHANKAR DHAGE (DIED) THR LRS SUNIL SUBHASH
DHAGE AND OTHERS

VERSUS

EX. ENGINEER, OSMANABAD MEDIUM PROJECT DIVISION
OSMANABAD AND OTHERS

...

Advocate for Applicant : Mr. Dinesh D. Daud h/f Mr. Manoj D. Shinde

Advocate for Respondent No.1 : Mr. G. B. Rajale

AGP for Respondent Nos. 2 and 3-State : Mr. N. D. Batule

...

CORAM : ABHAY S. WAGHWASE, J.

DATED : 28 JULY 2025

PER COURT :-

1. Heard learned counsel Mr. Daud h/f learned counsel Mr. Shinde for the applicants-claimants, learned counsel Mr. Rajale for respondent no.1-Acquiring Body as well as learned APP Mr. Batule for respondent-State.

2. Learned counsel for the applicants submits that, this Court, vide order dated 06.03.2025 passed in Civil Application No. 7319 of 2022 preferred by the Acquiring Body in the instant First Appeal, granted stay to the execution of impugned judgment subject to deposit of entire amount of compensation along with the interest within a period of 12 weeks. Learned counsel further pointed out that the respondent-Acquiring Body has deposited the amount, as directed, in this Court. Learned counsel therefore prays that applicants may be permitted to withdraw the entire amount along with interest.

3. Learned counsel for respondent no.1-Acquiring Body as well as learned APP for respondent-State opposed the application.

4. In view of the above, following order is passed :

ORDER

I. The Civil Application is partly allowed.

II. The applicants are permitted to withdraw 50% of the amount deposited on furnishing an undertaking to the satisfaction of the learned Registrar (Judicial) of this Court and 25% amount on furnishing solvent surety/security to the satisfaction of learned Registrar (Judicial) of this Court.

III. The remaining 25% amount be invested in F.D.R. in any Nationalized Bank till disposal of the First Appeal on yearly renewal basis.

IV. The Civil Application is disposed off.

[ABHAY S. WAGHWASE, J.]