



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

21 CIVIL APPLICATION NO. 6566 OF 2025
IN FA/2678/2025

KARBHARI VITHOBA KUKLARE AND ANR
VERSUS
THE EXECUTIVE ENGINEER AND ANR

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Mr. N. J. Pahune, Advocate for Applicants
Mr. S. V. Hange, AGP for Respondents-State
Mr. R. C. Patil, Advocate for Respondent No.1

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CORAM : SHAILESH P. BRAHME, J.
DATE : 06.11.2025

PER COURT :-

1. Heard both sides.
2. The applicants seek to withdraw an amount of Rs. 77,75,541/- deposited by the respondent-acquiring body.
3. It is submitted by Mr. N. J. Pahune, learned counsel for the applicants that in similarly situated matters, this Court permitted the claimants to withdraw the claimants 100% of the amount on furnishing undertaking. The orders dated 22.08.2025 and 26.08.2025 are placed on record to buttress the submission. It is submitted that the acquiring body did not deposit the entire compensation as per the award. Therefore, the applicants are entitled to receive the amount and the deposited amount which

can be treated to be a security.

4. Mr. R. C. Patil, learned counsel for respondent no.1 adverts my attention to the operative part of the impugned judgment. It is submitted that the rental compensation awarded as per clause 8 has no legal sanctity. If the entire amount is directed to be withdrawn then prejudice will be caused. The respondents have a meritorious case and are bound to succeed in the appeal.

5. I have considered the rival submissions of the parties. I have already, in similarly situated matters, permitted the claimants to receive 100% of the amount deposited by the acquiring body which is not towards full and final satisfaction of the impugned award. The grievance of the learned counsel can be taken care of by not asking the respondent-acquiring body to deposit the balance amount.

6. Civil Application is partly allowed permitting the applicants to receive the amount deposited by the acquiring body with accrued interest on furnishing undertaking to the satisfaction of the learned Registrar (Judicial).

FIRST APPEAL

1. Call for Record and Proceeding.
2. Print is dispensed with.

(SHAILESH P. BRAHME, J.)