



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

943 CIVIL APPLICATION NO. 7476 OF 2025  
IN FA/3617/2023

RAM DAMODAR KALE

VERSUS

THE STATE OF MAHARASHTRA THR. COLLECTOR OSMANABAD AND ORS

...

Mr. A. R. Barate, Advocate for Applicant

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

...

CORAM : AJIT B. KADETHANKAR, J.

DATE : 26.09.2025

**PER COURT :-**

1. Feeling aggrieved by the judgment and order dated 18.04.2015, passed by the learned Civil Judge, Senior Division, Osmanabad, in L.A.R. No.893 of 2010, the appellant/acquiring body has preferred this appeal.

2. Mr. Hange, learned AGP for the acquiring body submits that entire payable award amount is deposited in this Court pursuant to the stay granted by this Court to the execution and operation of the impugned judgment and order.

3. Mr. Barate, learned counsel for the applicant submits that the present civil application is filed seeking withdrawal of the amount deposited by the acquiring body in this Court. He submits that the entitlement of the

applicant has been decided by the learned Reference Court after assessing the evidence on record and examining the facts of the case. In view of this, he prays for withdrawal of the awarded amount.

4. Mr. Hange, learned AGP, argues that the appeal raises substantial grounds and there remains a possibility that the enhancement granted by the Reference Court could be reduced in the First Appeal.

5. Upon having heard the parties, I find that today, award stands in favour of the applicant. The immovable property of the applicant has been acquired under compulsory acquisition by the acquiring body. The entitlement of the applicant has been adjudicated by the learned Reference Court after examining the evidence on record. As on today, the deposited amount is pending idle in the bank and it is in nobody's interest that the amount remains pending in the bank. So also, while permitting the withdrawal of the deposited amount, this Court is aware of the fact that the appeal has been presented by the acquiring body to demonstrate how the enhancement is exonerated one.

6. In view of this, I pass the following order :-

**ORDER**

- a. Civil Application is partly allowed.
- b. Applicant is permitted to withdraw 50% of the deposited amount by furnishing usual undertaking and further 25% of the

deposited amount by furnishing solvent security/surety to the satisfaction fo the learned Registrar (Judicial) of this Court.

c. Remaining amount be deposited in fixed deposit in a nationalized bank till disposal of the First Appeal.

d. Civil Application stands disposed of.

**FA/3617/2023**

1. Heard.

2. **Admit.**

3. Mr. Barate, learned counsel waives service of notice for the respondent.

4. Call Record and Proceeding.

**[AJIT B. KADETHANKAR, J.]**

PRW