



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

**914 CIVIL APPLICATION NO. 4985 OF 2025
IN FAST/19524/2020**

Bapu Mahadu Nikale And Ors.

VERSUS

The State Of Maharashtra, Through Collector, Jalgaon And Others

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Ms. S. A. Kale h/f Mr. Kale Ajeet B., Advocate for Applicants

Mr. B. A. Shinde, AGP for the Respondents – State

Mr. Deepak Rasve h/f Mr. A. D. Pawar, Advocate for Respondent No.3

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WITH

**CIVIL APPLICATION NO. 768 OF 2021
IN FAST/19524/2020**

The Ex. Engineer, M.i.w. Jalgaon

VERSUS

Bapu Mahadu Nikale And Ors.

WITH

**CIVIL APPLICATION NO. 767 OF 2021
IN FAST/19524/2020**

.....

Mr. Deepak Rasve h/f Mr. Ajay D. Pawar, Advocate for Applicant

Ms. S. A .Kale h/f Mr. Kale Ajeet B., Advocate for Respondent Nos.1 to 8

Mr. B. A. Shinde, AGP for Respondent Nos.9 and 10

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CORAM : NEERAJ P. DHOTE, J.

DATE : 24.12.2025

PER COURT :

[I] Order in Application No.4985/2025 :

1. This is the Application by the Claimants / Respondents for withdrawal of the amount deposited by the Acquiring Body under the Award passed by the learned Reference Court.

2. The learned Advocate for the Applicants tenders across the bar a copy of the order dated 21/04/2025 passed in group of Civil Applications, one of which is Civil Application No.4125/2025, by which similarly placed Claimants were permitted to withdraw 75% of the amount along with interest accrued thereon, on furnishing usual undertaking to the satisfaction of the learned Registrar (Judicial) of this Court. She submits that, Application be allowed in terms of the said order.

3. The learned Advocate for the Acquiring Body do no dispute the aforesaid order in the connected Appeals, arising out of the same Award and the same acquisition proceedings.

4. In view of the undisputed aspects, the Applicants are permitted to withdraw 75% of the amount deposited by the Acquiring Body under the Award, subject to furnishing usual undertaking to the satisfaction of the learned Registrar (Judicial) of this Court. The remaining 25% amount be deposited in Fixed Deposit in any Nationalized Bank on yearly basis which would be renewed from time to time till disposal of the Appeal. Application stands disposed off accordingly.

[II] Order in Application No.767/2021 :

1. This is the Application for condonation of 693 days delay caused in preferring the Appeal by the Acquiring Body against the Judgment and Award dated 22/01/2018 in LAR No.520/2009 passed by the learned Joint Civil Judge, Senior Division, Jalgaon.

2. After hearing both the sides and for the reasons mentioned in the Application, the aforesaid delay is condoned and the Application is allowed in terms of Prayer Clause – ‘B’. Application stands disposed off accordingly.

[III] Order in Civil Application No.768/2021 :

1. This is the Application for stay to the effect, operation and execution of the Judgment and Award dated 22/01/2018 passed by the learned Joint Civil Judge, Senior Division, Jalgaon in LAR No.520/2009.

2. The Acquiring Body has deposited the entire amount under the Award along with interest accrued thereon. Hence, the Application is allowed in terms of Prayer Clause – ‘B’ and the same stands disposed off accordingly.

[NEERAJ P. DHOTE, J.]

Sameer/December-2025