



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

29 CIVIL APPLICATION NO. 7225 OF 2025
IN FAST/2966/2021

ASARAM PANDHARINATH DAHATONDE (DIED THR. LRS. SITABAI
W/O. ASARAM DAHATONDE AND OTHERS

VERSUS

THE M.K.V.D.C. THR. EX. ENGINEER, MED. PRO. OSMANABAD AND
ANOTHER

...

Advocate for Applicants : Mr. Shashikant E. Shekade
Advocate for Respondent no.1 : Mr. Anil M. Gaikwad
AGP for Respondent no.2 : Mrs.D.S.Jape

....

CORAM : ABHAY S. WAGHWASE, J.

DATE : 21 JULY, 2025

PER COURT :-

1. The present application is filed for withdrawal of compensation amount deposited by respondent no.1 / Acquiring Body.

2. Mr.Shekade, learned counsel for applicants/claimants, submits that, by order dated 04-02-2021 passed in CA/1734/2021 in FAST/2677/2021 and connected matters, this Court (Coram : VL.Achlia, J.) directed the Acquiring Body to deposit 50% of the amount awarded in the respective appeals. He further submits that the Acquiring Body had initially deposited approximately 32%

amount, which was subsequently withdrawn by the applicants/claimants. Now, the Acquiring Body has deposited the remaining amount out of the 50%. Therefore, the learned counsel seeks permission to withdraw the same.

3. The learned AGP as well as learned counsel for the Acquiring Body have raised an objection to the withdrawal of the remaining amount on the ground that, the applicants/claimants have already withdrawn a portion of the amount earlier.

4. On perusal of the earlier orders including the order dated 04-02-2021 passed in the matter, it appears that the Acquiring Body has deposited only 50% of the awarded amount, and the remaining 50% is yet to be deposited. In view of the same, I proceed to pass the following order :

ORDER

(I) The entire amount deposited by the respondent Acquiring Body in this matter alongwith interest accrued thereon be transferred to the Court of the learned Principal District Judge, Beed at Beed, for withdrawal and disbursement.

(II) The applicants/claimants or the Special Power of Attorney Holder, as the case may be, are permitted to withdraw the remaining amount of compensation alongwith interest accrued thereon, on furnishing usual undertaking to the satisfaction of the Registrar of the Reference Court.

(III) The amount shall be disbursed to the applicants/claimants as per the apportionment mentioned in paragraph 15 of the application.

(IV) Civil Application is accordingly disposed of.

(ABHAY S. WAGHWASE)
JUDGE

SPT