

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

972 CIVIL APPLICATION NO. 8337 OF 2025
IN FA/2100/2025

SAINDAS ZAMU VANJARI (DIED) THROUGH LRS ROHIDAS SAINDas
CHAVAN
VERSUS
THE COLLECTOR JALGAON

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Advocate for Applicant : Mr. Kale Ajeet B.
AGP for Respondent nos. 1 and 2 : Mr. N.D. Raje
Advocate for Respondent nos. 3 and 4 : Mr. Ajay D. Pawar

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CORAM : SHAILESH P BRAHME, J.

DATE : 04.09.2025

PER COURT :

Heard.

2. Present application is for withdrawal of amount of Rs. 20,77,481/- deposited by the respondent-acquiring body.

3. My attention is adverted to the common judgment and award passed by this Court on 15.10.2024 in First Appeal No. 729/2017 with connected matters. A copy of which is placed on record and it is contended that on the ground of parity the applicants are entitled to receive the compensation. It is contended that for present, the amount deposited in this Court needs to be disbursed to the applicants. It is further submitted that the rates which are approved by the coordinate Bench in the above referred matters were accepted by the authorities of the Acquiring Body, which is reflected in the order.

4. Per contra, learned counsel Mr. Pawar vehemently opposes the application. It is pointed out that already amount of Rs. 16,15,815/- has

been disbursed. The ground of parity cannot be attracted because appeals arising out of the references, which are referred in the impugned judgment are *sub judice*. It is further contended that interest has been awarded wrongly from the date of notification. It is further submitted that common judgment, which is pressed into service is subject to review, which is likely to be filed by the acquiring body.

5. I have considered the rival submissions of the parties. The applicants are already disbursed Rs. 16,15,815/-. Common judgment placed on record indicates that the rates were approved by the officers of the respondent, which is reflected in paragraph no. 5 of the judgment. Thereafter, the coordinate Bench partly allowed the appeals. It appears that though the respondents have instructions to prefer review, no tangible material is placed on record to show that any review has been preferred or any order has been secured in the review. Ends of justice would be made if 25% of the amount already deposited in this Court are retain and 75% of the amount are disbursed.

6. The Civil Application is partly allowed permitting the applicants to receive 75% of the amount with accrued interest on furnishing undertaking to the satisfaction of the Executing Court.

7. It is further directed that instead of disbursing the amount from the High Court, the amount deposited with accrued interest shall be transferred to the Civil Judge, Senior Division Jalgaon in Regular Darkhast No. 374/2022 and from there, it shall be disbursed to the applicant.

(SHAILESH P. BRAHME, J.)

mkd/-