



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 13771 OF 2024
IN FAST/19858/2021

RAJENDRA KARBASSAPA BIRAJDAR, DIED, THR. LRS. MAHADEVI
R. BIRAJDAR AND ORS

VERSUS

THE STATE OF MAHARASHTRA, THR. COLLECTOR, OSMANABAD
AND ORS

...

Advocate for Applicants : Ms.Mrunal Andhare h/f. Mr. Ajeet B. Kale

AGP for Respondent nos.1 & 2 : Mr.S.P. Joshi

Advocate for Respondent no.3:Mr.S.P. Nimbalkar h/f. Mr. R. A. Tambe

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CORAM : ABHAY S. WAGHWASE, J.

DATE : 13 OCTOBER, 2025

ORDER :-

1. This is an application for withdrawal of the amount deposited by the acquiring body in accordance with orders dated 13-10-2021.

2. Learned counsel Ms.Mrunal Andhare, holding for Mr.Kale, learned counsel for the applicants submits that this Court, after considering the grounds of appeal and reasoning adopted by the Reference Court, permitted withdrawal of 75% of the amount in connected matters arising out of the same award of acquisition. Learned counsel places reliance on order dated 04-07-2025, passed in Civil Application No.10885 of 2024 with connected matter, and requests for passing similar orders.

3. Learned AGP appearing for respondent nos.1 and 2 and learned counsel for respondent no.3 do not dispute the position.

4. Considering the submissions advanced, the same course needs to be followed.

5. Hence, civil application is allowed. Applicants are permitted to withdraw 75% of the amount deposited in this Court alongwith interest accrued thereon, subject to conditions i.e. 50% on usual undertaking to be furnished with the Registrar (Judicial) of this Court, stating therein that, in case the appeals are decided against the claimants, they will deposit the amount immediately, and 25% of the amount alongwith proportionate interest therein is permitted to be withdrawn after furnishing solvent surety/security. The balance amount of 25% be kept in Fixed Deposit in any Nationalized Bank on yearly renewal basis, till disposal of the first appeal.

6. The civil application is disposed of.

(ABHAY S. WAGHWASE)
JUDGE