



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

CIVIL APPLICATION NO. 6951 OF 2025

IN FA/3347/2023

Sharnappa S/o Basappa Barule (died) Thr Lrs Tejyabai And Ors

VERSUS

The State Of Maharashtra Through The Collector, Osmanabad

WITH CIVIL APPLICATION NO. 6946 OF 2025

IN FA/3345/2023

Shivaji S/o Shidram Chaughule (died) Through Lrs Pushpavati And Ors

VERSUS

The State Of Maharashtra Through Collector, Osmanabad

WITH CIVIL APPLICATION NO. 6948 OF 2025

IN FA/3346/2023

Ajeet S/o Kallappa Mule And Ors

VERSUS

The State Of Maharashtra Through The Collector, Osmanabad

Mr. S. N. Patil, Advocate for Applicants

Mr. A. S. Shelke, Advocate for Respondent No. 3

Mr. K. N. Lokhande, AGP for State

CORAM : R. M. JOSHI, J.

DATE : 22 July, 2025

PER COURT :-

1. This Application is filed for withdrawal of amount compensation deposited by the Applicants.

2. Learned counsel for the applicants/original respondents submits that the Trial Court on assumption that the doors, windows and other material

using in roofing must have been removed before the actual demolition and, therefore, has accepted the valuation report only to the extent of 40 percent. It is his submission that the said acceptance of valuation report is much on lower side and hence entire amount deposited be allowed to be withdrawn.

4. Learned counsel for respondent/original appellant opposes the application by contending that the government valuers report has been wrongly rejected by the reference Court.

5. *Prima facie* perusal of the order impugned indicates that there is presumption drawn by the reference court with regard to the removal of the windows and other removable material of the premise. In absence of any such evidence, it could not have been possible for the Reference Court to render such findings. As a result of the said presumption, the valuation is accepted to the extent of 40%. *Prima facie* this Court finds substance in the arguments of under valuation of property by Reference Court. In the facts of the case, there is no impediment for permitting the the applicants to withdraw the amount deposited.

6. Application stands allowed in terms of prayer clause “B”. Amount be disbursed by the applicant with usual undertakings.

(R. M. JOSHI, J.)

bsj