



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

**CIVIL APPLICATION NO. 10407 OF 2025
IN FA/1869/2025**

Narayan Budha Mali Died Through Lrs And Ors
VERSUS
The Executive Enginee Jalgaon Medium Project Division
Jalgaon And Anr

...

Mr. A. H. Koralkar, Advocate for Applicants
Mr. A. D. Pawar, Advocate for Respondent no.1

...

**WITH
CIVIL APPLICATION NO. 8539 OF 2023
IN FAST/528/2023**

WITH

**CIVIL APPLICATION NO. 7325 OF 2025
IN FA/1870/2025**

.....

CORAM : AJIT B. KADETHANKAR.

DATED : 24TH SEPTEMBER, 2025

ORDER :-

CIVIL APPLICATION NO. 10407 OF 2025 IN FA/1869/2025

CIVIL APPLICATION NO. 7325 OF 2025 IN FA/1870/2025

. These are the applications seeking withdrawal of amount deposited by the Acquiring Body in this Court. First Appeal No.1869 of 2025 arise out of the judgment and award impugned dated 18.07.2020, passed by the learned Civil Judge, Senior Division in L.A.R. No.89 of 2014 and First Appeal No.1870 of 2025 arise out of the judgment and award

impugned dated 18.07.2020, passed by the learned Civil Judge, Senior Division in L.A.R. No.87 of 2014.

2. Heard Mr. A. H. Koralkar, learned Advocate for the respective claimants as well as Mr. A. D. Pawar, learned Advocate for appellant/Acquiring Body.

3. Pursuant to the stay granted by this Court to the execution and operation of the respective judgment and awards in both the appeals, the appellant/Acquiring Body has deposited the entire payable award amount in this Court. In view of this, present Civil Applications are moved by the respective claimants/applicants seeking permission to withdraw the award amount.

4. Learned Advocate Mr. A. H. Koralkar places on record a copy of order dated 06.08.2025 passed by this Court in Civil Application No.8274 of 2025 in First Appeal No.2006 of 2025 (order is taken on record and marked as 'X' for identification). Mr. Koralkar, learned Advocate would submit that upon hearing the claimant as also the Acquiring Body in the cited case, this Court has permitted the applicants therein to withdraw 50 percent of the deposited amount on furnishing usual undertaking and also additional 25 percent on

furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this Court. He would further submit that the cited matter and the present First Appeal arise out of the same land acquisition proceeding and land acquisition notification/award. Mr. Koralkar further submits that the objection of Acquiring Body in the cited case and the present case is also one and the same. He would submit that the cited order was passed after hearing all the concerned parties and then and then only the withdrawal as mentioned is permitted by this Court. On the principle of parity, Mr. Koralkar now prays to allow the present applications as per the said cited order.

5. Mr. A. D. Pawar, learned Advocate in all fairness agrees to the factual position as has been submitted by Mr. A. H. Koralkar, learned Advocate. Mr. Pawar, learned Advocate would further submit that the appellant/Acquiring Body still maintains its objection just raised in the First Appeals.

6. In view of this, I pass following order:

ORDER

- a. Civil Applications stand partly allowed.
- b. Claimants are permitted to withdraw 50

percent amount on furnishing usual undertaking and 25 percent on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this Court.

c. Rest of the amount be kept in fixed deposit in any nationalized bank.

d. In above terms Civil Applications stand disposed of.

CIVIL APPLICATION NO. 8539 OF 2023 IN FAST/528/2023

. Mr. A. D. Pawar, learned Advocate representing the Acquiring Body submits that eight weeks time be granted to the Acquiring Body to gather the details of the legal representatives of the deceased party and to take appropriate steps.

2. Stand over to 03.12.2025.

(AJIT B. KADETHANKAR, J.)