



Corrected order
Corrections have been carried out in view of speaking to
minutes order dated 19.08.2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 8814 OF 2025
IN
FIRST APPEAL NO. 1024 OF 2025

Mahadeo Gangaram Navade
Since deceased through L.Rs.
Babu Mahadeo Navade and others .. Applicants
Versus
The State of Maharashtra and others .. Respondents

WITH
CIVIL APPLICATION NO. 8816 OF 2025
IN
FIRST APPEAL NO. 2423 OF 2024

Ramakant Narhar Patil and others .. Applicants
Versus
The State of Maharashtra and others .. Respondents

WITH
CIVIL APPLICATION NO. 8815 OF 2025
IN
FIRST APPEAL NO. 2424 OF 2024

Balasaheb Shankar Shinde .. Applicant
Versus
The State of Maharashtra and others .. Respondents

Shri Laxmikant C. Patil, Advocate for the Applicants in all matters.
Shri B. A. Shinde, A.G.P. for the Respondent No. 1 in all matters.
Shri P. R. Nangare, Advocate for the Respondent No. 2 in all matters.

CORAM : SHAILESH P. BRAHME, J.
DATE : 14TH AUGUST, 2025.

FINAL ORDER :

. Heard both sides. Applicants are claiming withdrawal of amount of Rs. 19,93,257/- deposited in First Appeal No. 1024 of 2025, Rs. 29,16,969/- deposited in First Appeal No. 2423 of 2024 and Rs. 88,49,959/- deposited in First Appeal No. 2424 of 2024.

2. Applications are contested by the respondent – acquiring body. It is contended that there is huge enhancement granted without there being supporting material. It is contended that if entire amount is permitted to be withdrawn, then it would be very difficult to recover the amount in case acquiring body succeeds in appeals.

3. My attention is adverted to the earlier orders dated 07.01.2024 passed in Civil Application No. 6434 of 2020 with connected matters and 25.04.2025 passed in Civil Application No. 4342 of 2025 by the Coordinate Benches of this Court in the similarly situated matters. In those matters applicants were permitted to receive 50% of the amount on furnishing undertaking and balance 10% of the amount on furnishing solvent security/surety.

4. There is no dispute that present appeals are also from the self same group. It would be unreasonable to adopt different

yardstick for not disbursing the amount. I propose to follow same course, which has been done by the coordinate benches. The civil applications are allowed partly by permitting applicants to receive 50% of the amount deposited with accrued interest on furnishing undertaking to the satisfaction of the Registrar (Judicial) of this Court. Balance 50% of the amount deposited with accrued interest shall be disbursed on furnishing solvent security/surety. Balance amount, if any, shall be invested in any nationalized bank. The civil applications are disposed of.

[SHAILESH P. BRAHME J.]

bsb/Aug. 25