



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

**CIVIL APPLICATION NO. 10418 OF 2025
IN FA/4036/2023**

Dharmaraj Maruti Shinde Died Thr Lrs Vachhala And Ors

VERSUS

Executive Engineer, Maharashtra Jivan Pradhikaran,
Bhandkam Vibhag No.1, Osmanabad And Ors.

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Mr. A. B. Tele, Advocate for Applicants

Mr. S. V. Hange, AGP for Respondents-State

Mr. Pandurang Bondar h/f Mr. S. S. Randive, Advocate for
Respondent no.1

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CORAM : AJIT B. KADETHANKAR.

DATED : 24TH SEPTEMBER, 2025

ORDER :-

. Feeling aggrieved by the judgment and award dated 21.11.2012, passed by the learned Jt. Civil Judge, Senior Division, Osmanabad in L.A.R. No.200 of 2002, the Acquiring Body has filed the present First Appeal.

2. While securing stay to the execution and operation of the judgment and award impugned in the First Appeal, the Acquiring Body has deposited the entire awarded amount together with accrued interest thereon in this Court.

3. In view of this, Mr. A. B. Tele, learned Advocate appearing for the applicants submits that this Civil Application

is presented seeking permission to withdraw the awarded amount deposited by the Acquiring Body. Mr. Tele, learned Advocate would submit that the entitlement of the claimants over the granted compensation is adjudicated by the learned Reference Court by assessing the facts of the case and appreciating the evidence on record. He submits that the applicants have lost their entire land and entire source of livelihood in the compulsory acquisition that was undertaken by the Acquiring Body. On this backdrop, learned Advocate for applicants seeks withdrawal of the entire amount deposited by the Acquiring Body in this Court.

4. Mr. A. B. Tele, learned Advocate for the applicants submits that the sole ground in the appeal filed by the Acquiring Body concerns about applicability of the circular dated 10.09.2003. He would submit that in view of the circular itself, it would reveal that the appeal does not hold any merit.

5. Mr. Pandurang Bondar h/f Mr. S. S. Randive, learned Advocate for the respondent no.1 per contra opposes the application and submits that the Acquiring Body has strong hopes of success in the main First Appeal and in any case the

interest of the Acquiring Body needs to be protected.

6. Upon hearing both the parties, I am of the considered view that the impugned judgment and award is passed by the learned Reference Court after assessing the evidence on record and also particularly assessing facts of the case. Today the award stands in favour of the claimants who have lost their entire land and sole source of livelihood.

7. Mr. A. B. Tele, learned Advocate requests that in the event of grant of permission, the permitted withdrawal amount be transmitted to the Court of learned Civil Judge, Senior Division, Kalamb, Dist. Osmanabad for disbursement.

8. In the circumstances, I deem it proper to pass following order:

ORDER

- a. Civil Application stands partly allowed.
- b. Applicants are permitted to withdraw 75 percent of the total amount deposited by the Acquiring Body in this Court on furnishing usual undertaking.
- c. Applicants are also permitted to withdraw further 25 percent amount by furnishing solvent surety/security.

d. Permitted withdrawal amount be transmitted to the Court of learned Civil Judge, Senior Division, Kalamb, Dist. Osmanabad together with accrued interest thereon.

e. The applicants shall furnish the aforesaid usual undertaking and solvent surety/security to the satisfaction of the Superintendent/Registrar of the Court of learned Civil Judge, Senior Division, Kalamb, Osmanabad.

f. In the event of reversal of the judgment and award impugned in the First Appeal or any rejection in the compensation in the First Appeal, the applicants shall re-deposit such amount in the High Court together with interest.

(AJIT B. KADETHANKAR, J.)