



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

953 CIVIL APPLICATION NO. 8045 OF 2025
IN FA/1324/2024

NILAWATI DAMODHAR OVHAL
VERSUS
THE STATE OF MAHARASHTRA THR COLLECTOR
OSMANABAD AND ORS

WITH CIVIL APPLICATION NO. 229 OF 2024
IN FA/1324/2024

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Advocate for Applicant : Mr. Praveen Baliram Rakhunde.

AGP for Respondent/s-State : Mr. D. B. Bhange.

Advocate for Respondent No.3 : Mr. Vinesh C. Solshe.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 01.08.2025

PER COURT :-

1. Heard the respective sides.
2. Applicant seeks to withdraw amount of Rs.34,20,837/- deposited by the respondent/acquiring body for the reasons stated in the application.
3. Application and submissions are opposed by learned counsel Mr. Solshe for the acquiring body.
4. It is brought to my notice that in identical matters, this Court permitted the applicants to receive 50% of the amount on undertaking and further 50% on furnishing solvent

surety/security. There is no reason for me to take any different view. I propose to adopt the same course. The acquisition is for the same project. In order to have the consistency in the orders passed by the High court, I propose to permit the applicant to receive the amount deposited in this Court.

5. Civil application for withdrawal is allowed by permitting the applicant to receive 50% of the amount with accrued interest on furnishing undertaking and remaining 50% on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial)

In First Appeal.

6. Admit.

7. Learned counsel Mr. Rakhunde waives service of notice for respondent/claimant. Learned AGP waives service of notice for respondents/State Authorities.

8. Call for Record and Proceedings from the concerned Court.

9. Parties shall be at liberty to file relevant documents/papers, if any.

In Civil Application for Stay

9. As the entire amount has been deposited, ad-interim relief granted earlier shall stand confirm.

10. Civil application is disposed of.

(SHAILESH P. BRAHME, J.)

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vmk/-