



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

**31 CIVIL APPLICATION NO. 8256 OF 2025
IN FAST/11524/2023**

SHESHERAO JEEVAN KADAM AND ORS

VERSUS

**THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR
OSMANABAD AND ORS**

...

Advocate for Applicant : Mr. Praveen Baliram Rakhunde

AGP for Respondent nos. 1 & 2 : Mrs. M.N. Ghanekar

Advocate for Respondent No. 3 : Mr. Sushma Bhadke h/f Mr. Bhushan V.
Virdhe

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CORAM : SHAILESH P. BRAHME, J.

DATE : 10.11.2025

PER COURT :

Heard both sides.

2. The applicants seeks to withdrawn an amount of Rs. 21,28,652/- deposited by the respondent-Acquiring Body.
3. It is submitted that in similarly situated matters the claimants were permitted to receive 50% of the amount with accrued interest on furnishing undertaking and 50% of the amount on furnishing solvent surety/security.
4. The learned counsel Ms. Bhadke h/f Mr. Virdhe opposes the application. It is submitted that the Acquiring Body has good case on merit and if entire amount is permitted to be withdrawn, the difficulties would be faced to recover the amount.
5. I have considered the rival submissions of the parties. I find that interest of justice would be subserved in permitting the applicants to receive 90% of the amount deposited in this Court.

6. Civil Application is partly allowed permitting the applicants to receive 50% of the amount with accrued interest on furnishing undertaking and 40% of the amount with accrued interest on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court. Balance amount shall be invested in any nationalized bank.

(SHAILESH P. BRAHME, J.)

mkd/-