



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

17 CIVIL APPLICATION NO. 8632 OF 2025
IN FA/1917/2025 WITH FA/3235/2022

VITTHAL BHAGAJI KUNTE
VERSUS
THE EXECUTIVE ENGINEER AND ANR

...

Mr. Sagar N. Pahune h/f. Mr. N. J. Pahune, Advocate for Applicant
Mr. S. W. Munde, Advocate for Respondent No.1

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WITH
CIVIL APPLICATION NO. 10428 OF 2023
IN FA/1917/2025

THE EX ENGINEER MINOR IRRIGATION DIV NO. 1 GMIDC AURANGABAD
AND ANR

VERSUS
VITTHAL S/O BHAGAJI KUNTE

...

Mr. S. W. Munde, Advocate for Applicant No.1
Mr. Sagar N. Pahune h/f. Mr. N. J. Pahune, Advocate for Respondent

...

CORAM : SHAILESH P. BRAHME, J.

DATE : 03.12.2025

PER COURT :-

CIVIL APPLICATION NO. 8632 OF 2025

. Heard both sides.

2. Applicant seeks to withdraw an amount of Rs.1,39,46,126/-. For

the reasons stated in the application, the withdrawal is sought for.

3. Learned counsel for the acquiring body disputes the entitlement to receive the amount. It is submitted that the enhancement granted by the Reference Court is exorbitant and arbitrary.

4. The acquiring body has deposited only 75% of the compensation amount with accrued interest in this Court. The balance of 25% amount is still with the acquiring body which is secured one. Ends of justice would meet in permitting the applicant to receive the amount deposited in this Court with accrued interest on certain conditions.

5. Civil Application is allowed partly permitting the applicant to receive 75% of the deposited amount with accrued interest on furnishing undertaking to the satisfaction of the learned Registrar (Judicial) of this Court and 25% of the deposited amount with accrued interest on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this Court.

FIRST APPEAL NO. 1917 OF 2025

. **Admit.** Mr. Sagar N. Pahune h/f. Mr. N. J. Pahune, learned counsel waives service of notice for respondent.

3. Call for Record and Proceeding. Print is dispensed with.

FIRST APPEAL NO.3235 OF 2022

- . Not on board. Taken on board.
2. **Admit.** The learned AGP waives service of notice for respondent-State. Mr. S. W. Munde, learned counsel waives service of notice for respondent No.2.
3. To be heard along with First Appeal No.1917 of 2025.

CIVIL APPLICATION NO. 10428 OF 2023

- . As the acquiring body as deposited the amount in pursuance of order of this Court, ad-interim stay granted earlier shall stand confirmed.
2. Civil Application is disposed of.

(SHAILESH P. BRAHME, J.)