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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**934 CIVIL APPLICATION NO. 8811 OF 2025
IN FAST/22553/2020**

PANDURANG PUNDLIK JADHAV AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH COLLECTOR, JALGAON
AND OTHERS

...
Advocate for Applicants : Mr. Ajeet B. Kale
AGP for Respondent Nos. 1 and 2-State : Mr. D. R. Korade
Advocate for Respondent No.3 : Mr. Rahul A. Tambe

...

**WITH CIVIL APPLICATION NO. 8357 OF 2020
IN FAST/22553/2020**

THE EXECUTIVE ENGINEER, M.I.W., JALGAON AND OTHERS
VERSUS
PANDURANG PUNDLIK JADHAV AND ANOTHER

...
Advocate for Applicant No.1 : Mr. Rahul A. Tambe
AGP for Applicant Nos. 2 and 3-State : Mr. D. R. Korade
Advocate for Respondents : Mr. Ajeet B. Kale

...

CORAM : ABHAY S. WAGHWASE, J.

DATED : 18 SEPTEMBER 2025

PER COURT :-

CIVIL APPLICATION NO. 8811 OF 2025 (for withdrawal of amount)

1. This is an application filed by the applicants-original claimants for withdrawal of entire amount deposited by the acquiring body along with interest accrued thereon.

2. Learned counsel for the applicants submits that in the connected appeals arising out of the same acquisition proceedings i.e. in Civil Application No. 4125 of 2025 in First Appeal (St.) No. 22522 of 2020 with connected applications, the applicants-claimants therein were permitted to withdraw 75% amount. He therefore prays to pass similar order in the present application.

3. Though the application is opposed by the learned counsel for the acquiring body, he does not dispute the aforesaid aspect that in connected matters arising out of the same acquisition proceedings, this Court had permitted the claimants therein to withdraw 75% amount.

4. After hearing both the sides, there is no dispute that acquiring body has deposited 100% amount under Award, out of which, 50% amount has already been withdrawn by the applicants-claimants from the Reference Court and rest 50% amount is pending before this Court. The similarly placed claimants in connected appeals arising out of the same acquisition proceedings were permitted to withdraw 75% amount.

5. In view of the above, the applicants are permitted to withdraw 50% amount out of the amount deposited by the acquiring body before this Court, subject to furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court. The remaining 50% amount be deposited in any Nationalized Bank on yearly basis which would be renewed from time to time till disposal of the Appeals. The Application is accordingly disposed off.

CIVIL APPLICATION NO. 8357 OF 2020 (for condonation of delay)

6. Heard learned counsel for the applicants and learned AGP for the respondent State.

7. For the reasons set out in the application, the delay of 958 days caused in filing appeal is hereby condoned. However, the applicants will not be entitled for interest and statutory benefits for the delayed period as per the ratio laid down in the case of ***Ningappa Thotappa Angadi v. Special Land Acquisition Officer*** (2020) 19 SCC 599.

8. Civil Application is accordingly disposed off.

[ABHAY S. WAGHWASE, J.]