



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

977 CIVIL APPLICATION NO. 6711 OF 2025
IN FA/4180/2023

GANPATI S/O SOPAN HAGARE DIED THR LRS ANUSAYA GANPATI
HAGARE

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR,
OSMANABAD AND ORS.

...

Mr. L. C. Patil, Advocate for Applicant

Mr. S. S. Dande, AGP for Respondents-State

Mr. Ganesh K. Jadhav h/f. Mr. A. S. Shelke, Advocate for Respondent
No.3

...

WITH

CIVIL APPLICATION NO. 1245 OF 2021
IN FA/4180/2023

MAHARASHTRA KRISHNA VALLE DEVELOPMENT CO. THE EX.
ENGINEER, IRRIGATION PRO. STRE. DIV. OMERGA

VERSUS

GANPATI SOPAN HAGARE (DIED) THR LRS KAMALBAI AND ORS

...

Mr. Ganesh K. Jadhav h/f. Mr. A. S. Shelke, Advocate for Applicant

Mr. L. C. Patil, Advocate for Respondent No.1

...

CORAM : AJIT B. KADETHANKAR, J.

DATE : 10th SEPTEMBER 2025

PER COURT :-

CIVIL APPLICATION NO. 6711 OF 2025

1. This Civil Application is filed by the applicant for

withdrawal of the amount deposited by the respondent/acquiring body in this Court pursuant to the judgment and award dated 22.11.2017, passed by the 3rd Joint Civil Judge, Senior Division, Osmanabad, in L.A.R.No.354/2012.

2. Mr. Patil, learned counsel for the applicant placed on record an order dated 28th June 2024 passed in Civil Application No.5675 of 2024 in FA/1480/2021 (Copy of order is taken on record and marked as “X” for identification purposes). Mr. Patil submits that the order referred (supra) is arises out of the same land acquisition proceedings and same award which is subject matter of the present appeal. On the ground of parity, he prays to allow the Civil Application.

3. Mr. Jadhav holding for Mr. Shelke, learned counsel for the respondent/acquiring body agrees with the submissions made by Mr. Patil.

4. In view of the above, I pass the following order :-

ORDER

- a. Applicant is permitted to withdraw 75% of the amount deposited in this Court along with accrued interest thereon on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court. Balance 25% of the

amount of compensation with accrued interest thereon be invested in fixed deposit in any nationalized bank for a fixed term to be renewed till pendency of the appeal.

b. The application stands disposed of.

CIVIL APPLICATION NO. 1245 OF 2021

1. Pursuant to the stay granted by this Court against the execution and operation of the judgment and award impugned in the present appeal, the applicant/acquiring body has deposited the entire payable award amount in this Court.

2. In view of this, stay granted earlier is made absolute.

3. Civil Application is allowed in terms of prayer clause "B".

4. Civil Application stands disposed of.

FA/4180/2023

1. Admit.

2. Mr. Patil, learned counsel waives service of notice for respondent no.1. Mr. Dande, learned AGP waives service of notice for respondent nos.2 and 3.

[AJIT B. KADETHANKAR, J.]