



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

CIVIL APPLICATION NO. 10139 OF 2021 IN FA/3128/2016

Tanaji Bramhadeo Tarange And Others

VERSUS

**The Executive Engineer, Sina Kolegaon Project Division,
Paranda And Ors**

...

Mr. D. S. Bide h/f Mr. R. S. Kendre, Advocate for Applicants

Mr. S. V. Hange, AGP for Respondent-State

Mr. G. B. Rajale, Advocate for Respondent no.1

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CORAM : AJIT B. KADETHANKAR, J.

DATED : 17TH OCTOBER, 2025

ORDER :-

1. Feeling aggrieved by the judgment and award dated 03.09.2015, passed by the learned Civil Judge, Senior Division, Paranda in L.A.R. No.68 of 2012, the Acquiring Body has preferred present First Appeal no.3128 of 2016.

2. Mr. G. B. Rajale, learned Advocate for the respondent no.1 would submit that the Acquiring Body at the initial stage only deposited the entire award amount together with interest accrued thereon in the Court of the learned Civil Judge, Senior Division, Paranda and thereafter, this appeal has been filed.

3. Mr. D. S. Bide h/f Mr. R. S. Kendre, learned Advocate would submit that an objection was raised by one Bhagubai Jalinder Shirgire in this Court to oppose the present

application i.e. filed by the applicants seeking permission to withdraw the share pertaining to the applicants out of the amount deposited by the Acquiring Body in the learned Trial Court. He would fairly submit that vide order dated 14.12.2021, this Court for the reasons recorded therein at paragraph 9 did not pass any order of disbursement in this application. Mr. Bide, learned Advocate would submit that the recital of the order would reveal that the said order was passed in view of the fact that a Civil Suit was filed by the objector in the Court of learned Civil Judge, Senior Division, Paranda for apportionment of compensation and declaration.

4. Mr. D. S. Bide, learned Advocate would submit that vide its judgment and decree dated 27.03.2024, the learned Civil Judge, Senior Division Paranda decreed the Special Civil Suit No.1 of 2016, holding the plaintiff/objector in the application entitled for half of the compensation granted in L.A.R. No.68 of 2012. Mr. Bide, learned Advocate would submit that the present application or the claim of the applicants is only in respect of their share in the compensation that has been awarded in L.A.R. no.68 of 2012. Mr. Bide, learned Advocate would submit that although the applicants have challenged the judgment and decree passed by the learned Trial Court in

Regular Civil Appeal, yet as on today, atleast such amount to which the learned Trial Court has held present applicants entitled, can be allowed to be withdrawn by the applicants.

5. Mr. D. S. Bide, learned Advocate would further submit that apart from this, the Acquiring Body has already settled some claims arising out of the same land acquisition proceeding and out of same village. He would submit that the Acquiring Body must take call on the present matter in the light of settlement of those referred claims. Mr. D. S. Bide, learned Advocate would submit that due to the civil litigation pending in between the parties and particularly due to the order passed by this Court earlier pursuant to the Civil litigation, the applicants are deprived of the legitimate compensation that they deserve. Mr. Bide, learned Advocate would submit that the Acquiring Body deposited Rs.3,46,88,557/- in the learned Trial Court. That, the amount of Rs.2,31,25,704/- has been already withdrawn by the other claimants who have no concern with the amount which falls to the share of present applicants and the disputed interest of the plaintiff in the Special Civil Suit No.1 of 2016.

6. Mr. D. S. Bide, learned Advocate would submit that as such Rs.1,15,62,853/- is lying in the learned Trial Court for

being apportioned by the applicants as also by the plaintiffs in the said suit. Mr. Bide, learned Advocate has tendered a chart showing details of the amount deposited by the Acquiring Body in the learned Trial Court as also the names of the beneficiaries/claimants. The statement is taken on record and marked as 'X' for identification.

7. Considering the fact, the applicants are fairly accepting atleast to the extent of present withdrawal that the right of the plaintiff/objector has been defined by the learned Civil Court to the extent of 50 percent. In view of this fact, for now the application is partly allowed and the applicants are permitted to withdraw the amount of Rs.45,00,000/- together with accrued interest thereon on submission of undertaking to the satisfaction of the learned Superintendent/Registrar of the learned Executing Court. Rest of the amount pending in the learned Executing Court/Appellate Court be deposited in fixed deposit in any nationalized bank.

8. In view of this, Civil Application stands disposed of.

(AJIT B. KADETHANKAR, J.)