



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.7938 OF 2025
IN FIRST APPEAL/2841/2021

PRATAPSING @ PREETAPALSING PREMSING RATHOD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Mr. Laxmikant C. Patil, Advocate for Applicant.

Mr. S. M. Ganachari, AGP for Respondent Nos.1 and 2 - State.

Mr. Umesh Mitkari h/f. Mr. Mukul Kulkarni, Advocate for Respondent No.3.

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CORAM : ABHAY S. WAGHWASE, J.

DATED : 30 JULY 2025

ORDER :

. This is an application by the claimants for withdrawal of the remaining 35% amount deposited by the Acquiring Body with the office of this Court.

2. It is submitted by the learned Advocate for the Applicant that the Acquiring Body has deposited the entire amount under the Award and the Applicant in this Application has already withdrawn total 65% of the amount deposited by the Acquiring Body. He submits that remaining 35% amount remains with this Court and the Applicant is ready to furnish Solvent Surety / Security against withdrawal of the said remaining amount. He

submits that, this Court in similar matters i.e. in Civil Application No.6170 of 2024 in First Appeal No.2657 of 2019 and in Civil Application No.4126 of 2025 in First Appeal No.348 of 2019 and other two Applications, have permitted the similarly placed claimants to withdraw the remaining amounts against Solvent Surety / Security and hence, the Applications may be allowed.

3. The Application is vehemently opposed by the learned Advocate for the Acquiring Body. He submits that, this Court had considered Surety / Security / Bank Guarantee at the time of last withdrawal. He submits that, this amounts to review of the said order and therefore, the Application may be rejected.

4. On hearing both the sides and considering the aspect that, similarly placed claimants were permitted to withdraw the remaining amount deposited by the Acquiring Body along with interest accrued thereon against furnishing Solvent Surety / Security, the same course will have to be adopted in this Application on the ground of parity and hence the order :

ORDER

- (i) The Application is allowed in terms of prayer clause 'B' thereof.

- (ii) The Applicant is permitted to withdraw the remaining amount along with the interest accrued thereon, on furnishing Solvent Surety / Security / Bank Guarantee to the satisfaction of the learned Registrar (Judicial) of this Court.
- (iii) Application stands disposed off.

(ABHAY S. WAGHWASE, J.)