



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

**CIVIL APPLICATION NO.9875 OF 2025
IN FAST NO.8987/2024**

Devidas Digambr Mohite (Died) Through Lrs.

VS.

State of Maharashtra and ors.

Mr.M.R.Jadhav, Advocate h/f. Mr.A.S.More, Advocate for applicants
Mr.S.V.Hange, AGP for respondent nos.1 and 2
Mr.A.S.Shelke, Advocate for respondent no.3

CORAM : AJIT B. KADETHANKAR, J.
DATE : SEPTEMBER 12 2025

ORDER :-

Learned counsel for the applicants submits that during pendency of the appeal, applicant no.1 is also expired. He would further submit that remaining applicants are sole L.Rs. of deceased respondent no.1. In view of this, he seeks to delete name of applicant no.1 from the array of the parties in the First Appeal and corresponding Civil Application. Mr.Shelke, learned counsel for the applicants/appellants, has no objection for the same.

2. In view of the above, the application stands disposed of. Necessary amendment be carried out.

[AJIT B. KADETHANKAR, J.]

KBP

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

**CIVIL APPLICATION NO.9876 OF 2025
IN FAST NO.8987/2024**

Devidas Digambr Mohite (Died) Through Lrs.
vs.
State of Maharashtra and ors.

Mr.M.R.Jadhav, Advocate h/f. Mr.A.S.More, Advocate for applicants
Mr.S.V.Hange, AGP for respondent nos.1 and 2
Mr.A.S.Shelke, Advocate for respondent no.3

CORAM : AJIT B. KADETHANKAR, J.
DATE : SEPTEMBER 12 2025

ORDER :-

This is an application for withdrawal of amount deposited by the acquiring body in this court, pursuant to the order granting stay to the execution and operation of the impugned judgment and award in the First Appeal.

2. The applicants submit that they are in dire need of money and have not received the fruits of the trial that was conducted by the learned Tribunal. They submit that their source of earning and livelihood has been taken away due to compulsory acquisition of their property. The entitlement of the applicants to receive the awarded compensation as well as ascertainment of the quantum, has been adjudicated by learned trial court, upon examination of the facts and scrutiny of the evidence.

3. The applicants place reliance on the order passed by this Court in the case of **Nilawati w/o. Jalindar Bhandwalkar and ors., vs. State of Maharashtra and ors. (Civil Application NO.2297 of 2023 in FAST No.2871/2022 decided on 30.10.2023)**, which is marked as "X" for identification. The applicants further submit that 75% amount was permitted to be withdrawn by this Court in the cited matter. The applicants also submit that the subject matter of the cited case and present appeal arise out of the same land acquisition proceedings and award. Hence, on parity, the applicants seek withdrawal of the amount.

4. Learned counsel for the acquiring body fairly agrees with the factual position. It is not the case of the acquiring body that withdrawal permitted in the cited case has been taken in any appeal or reversed subsequently. Hence, I deem it appropriate to pass the following order:-

(i) The applicants are permitted to withdraw entire 75% deposited amount along with interest accrued thereon, subject to filing of an undertaking to the satisfaction of learned Registrar (Judicial) of this court.

(ii) Upon such undertaking is produced, learned Registrar (Judicial) to disburse the amount as directed above. The application stands disposed of accordingly.

[AJIT B. KADETHANKAR, J.]

KBP