



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

963 CIVIL APPLICATION NO. 9616 OF 2025
IN FA/2311/2025

Popat Tatya Pawar And Anr
VERSUS
The Executive Engineer Medium Project Osmanabad And Ors

WITH
CIVIL APPLICATION NO. 9612 OF 2025
IN FA/2310/2025

Mr.A.R.Devkate, Advocate for applicants
Mrs.S.D.Shelke, Advocate for respondent no.1
Mr.S.S.Dande, AGP for respondent nos.2 and 3

CORAM : AJIT B. KADETHANKAR, J.
DATE : SEPTEMBER 09, 2025

ORDER :-

Heard Mr.Devakate, learned counsel for the applicants and
Ms.Sunita Shelke, learned counsel for respondent no.1.

2. Mr.Devkate, learned counsel, submits that as against the judgment and award dated 19.01.2023, passed by learned C.J.S.D., Paranda, in L.A.R. No.131/2016, the acquiring body has preferred First Appeal. He refers to the order dated 17.10.2024 passed by this Court in Civil Application No.10695 of 2024 in F.A.St. No.21097/2024 with connected matters and submits that execution and operation of the judgment and award impugned in the First Appeal, has been stayed

subject to deposit of 50% of the payable award amount by the acquiring body in this court. He further submits that pursuant to the said order, the acquiring body has deposited such amount in this court. He further submits that lands of the claimants have been acquired by the acquiring body and they have received inadequate and meager compensation against the acquisition. The claimants are in dire need of the money. He submits that the applicants may be allowed to withdraw the amount deposited by the acquiring body. Mr.Devkate further submits that in the appeals arising out of the same award and same acquisition proceedings, the acquiring body has deposited 100% of the payable award amount in this Court and secured stay to the judgment award impugned therein. He refers to the order dated 05.08.2025 passed by this court in Civil Application No.8252 of 2025 in F.A.No.1750/2024 with connected matters and submits that in those matters, the applicants therein are permitted to withdraw the amount equal to 50% of the total compensation, on usual undertaking and additional 25% of the amount on furnishing solvent security. Ms.Shelke, learned counsel for the acquiring body as well as the appellant in the above referred cases agrees the same.

3. In the light of the above, since in the present matter, the appellant – acquiring body has deposited 50% of the awarded

amount, I deem it appropriate to allow the applicants/claimants to withdraw the amount deposited by the acquiring body in this court in the present matter. Hence, the following order:-

ORDER

The applicants/appellants are permitted to withdraw the amount deposited by the acquiring body, on furnishing usual undertaking. The Civil Application Stands disposed of.

[AJIT B. KADETHANKAR, J.]

KBP