



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

69 CIVIL APPLICATION NO. 9194 OF 2025
IN FA/1619/2024

GAUTAM S/O BABA KAWADE
VERSUS
THE STATE OF MAHARASHTRA,
THROUGH THE COLLECTOR, OSMANABAD AND ORS
...
WITH
FIRST APPEAL NO.1618 OF 2024

...
Advocate for the Applicant : Mr.Patil Laxmikant C
AGP for Respondent/State : Mr.D.B.Bhange
Advocate for Respondent No.3 : Mr. Ram B. Deshpande

...
CORAM : SHAILESH P. BRAHME, J.
DATE : 25.08.2025

PER COURT :

- . Heard both sides.
2. Applicants are seeking withdrawal of amount of Rs.8,36,595/- and Rs.2,38,860/-deposited in respective appeals by the Respondent/ acquiring body.
3. My attention is adverted to common order dated 27.02.2025 permitting the claimants to receive 75% of the amount on furnishing undertaking and 25% on solvent surety/security.
4. Learned counsel for the applicants submits that in those

matters 100% of the amount awarded by the reference court was directed to be deposited whereas in the present matter only 60% of the amount is directed to be deposited.

5. Learned counsel Mr.Deshpande for the Respondent/acquiring body opposes the applications and submissions. It is submitted that unreasonable and exorbitant enhancement has been granted by the reference court. The claimants did not submit any separate applications for withdrawal of amount in First Appeal No.1618 of 2024.

6. I have considered rival submissions of the parties. Both the first appeals have identical set of facts. A common order placed on record passed in similarly situated matters can be made applicable to the present case. I am inclined to permit the applicants to receive the amount though in one of the appeals, separate application has not been filed for withdrawal.

7. In the matters upon which the applicants are banking acquiring body was directed to deposit entire amount of award whereas in the present appeal by earlier orders, acquiring body was directed to deposit 60% of the amount. I am of the considered view that applicants are entitled to receive the amount deposited on furnishing undertaking.

8. Civil applications are allowed permitting the applicants to

receive the amount with accrued interest deposited in this Court on furnishing undertaking to the satisfaction of the Registrar (Judicial) of this Court.

[SHAILESH P BRAHME, J.]

vsj..