



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

32 CIVIL APPLICATION NO. 11391 OF 2025
IN FA/985/2021

SHIVANI RAJENDRA PATIL AND ANOTHER
VERSUS
THE COLLECTOR JALGAON AND OTHERS

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Advocate for Applicants : Ms.Sakshi A.Kale h/f. Mr. Kale Ajeet B.
AGP for Respondent nos.1 & 2 : Mr.D.R.Korade
Advocate for Respondent nos.3 & 4 : Mr.Ajay D. Pawar

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CORAM : ABHAY S. WAGHWASE, J.

DATE : 13 OCTOBER, 2025

ORDER :-

1. Heard learned counsel for the applicants and learned counsel for the acquiring body.
2. It is not disputed that initially, the acquiring body had deposited 25% of the amount under the impugned award in terms of the order passed by this Court. This Court had permitted the applicants/claimants to withdraw said 25% of the amount. Now, the acquiring body has deposited another 25% of the amount under the impugned award i.e. the amount which was due on the date of that order, and not uptill date.
3. Learned counsel for the applicants/claimants submits that the

applicants may be allowed to withdraw remaining amount out of the deposited amount and lying in this Court alongwith interest accrued thereon. He submits that necessary undertaking would be given by the applicants/claimants.

4. The application for withdrawal of amount is opposed by learned counsel for the acquiring body. He submits that there are fruit-bearing trees and if the appeals are heard, the acquiring body is likely to succeed. He submits that the appeals may be heard finally.

5. It is not in dispute that so far, only 50% of the amount under the impugned award, has been deposited by the acquiring body. The acquiring body has not yet deposited remaining 50% of the amount along with interest. I, therefore, see no impediment to permit the applicants/claimants to withdraw remaining amount out of the deposited amount, lying in this Court.

6. Hence, application is allowed in terms of prayer clause "B". The applicants are permitted to withdraw remaining amount out of the deposited amount and lying in this Court alongwith interest accrued thereon, subject to furnishing regular undertaking(s) to the satisfaction of learned Registrar (Judicial) of this Court. The application for withdrawal of amount, as such, stand disposed of.

(ABHAY S. WAGHWASE)
JUDGE