



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

89 CIVIL APPLICATION NO. 9342 OF 2025
IN FAST/14539/2024
WITH
CIVIL APPLICATION NO. 9396 OF 2025
IN FAST/14539/2024

SHRIMANT S/O SARJERAO KHARAT
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR AND ORS

...
Advocate for Applicant : Mr. Pingale Durgesh Madhukar
AGP for Respondent Nos. 1 & 2 : Mrs. M.N. Ghanekar
Advocate for Respondent No. 3 : Mr. G.S. Khaire h/f Mr. S.S. Dande
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CORAM : SHAILESH P. BRAHME, J.

DATE : 03.11.2025

PER COURT :

Heard both sides.

2. The applicant seeks to withdraw an amount of Rs. 39,69,685/- deposited by the respondent-Acquiring Body.
3. The application is objected by learned counsel for the Acquiring Body as well as intervenor through Civil Application No. 9396/2025. It is contended by learned counsel for the intervenor that intervenor is a legally wedded wife of the claimant and has preferred Regular Civil Suit No. 154/2023 for maintenance. The suit is pending and applicant has not caused appearance before the Trial Court. It is submitted that intervenor is necessary party and she is entitled to receive the compensation.
4. Intervenor was not a party before the Reference Court. She is not the co-owner of the land acquired by the competent authority. It is difficult to

accept that she is entitled to receive any compensation. Her claim is in respect of maintenance and Regular Civil Suit No. 154/2023 is *sub judice* before the competent forum. The application for intervention is devoid of any substance hence stands rejected. However, intervenor's claim before the competent Civil Court shall be adjudicated on its own merits.

5. It is submitted by learned counsel Mr. Pingale that in similarly situated matters 75% of the amount is allowed to be withdrawn and similar course be followed. It reveals that the applicant is the owner whose name is appearing in the Award as well as judgment of the Reference Court. There is no reason to take any different view.

6. Civil Application is allowed partly permitting the applicant to receive 50% of the amount with accrued interest on furnishing undertaking and 25% of the amount with accrued interest on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial). Balance amount shall be invested in any nationalized bank.

(SHAILESH P. BRAHME, J.)

mkd/-