



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

**CIVIL APPLICATION NO. 10206 OF 2025
IN FA/1301/2025**

Bhagwat Devrao Fund

VERSUS

The State Of Maharashtra Thr. Collector Osmanabad And Ors

WITH

**CIVIL APPLICATION NO. 10211 OF 2025
IN FA/1299/2025**

Avinash Ramchandra Joshi

VERSUS

The State Of Maharashtra Thr. Collector Osmanabad And Ors

WITH

**CIVIL APPLICATION NO. 10208 OF 2025
IN FA/1304/2025**

Rahibai Janardhan Shinde Died Thr Lrs Sangeeta Shrimant
Kawale And Anr

VERSUS

The State Of Maharashtra Thr. Collector Osmanabad And Ors

WITH

**CIVIL APPLICATION NO. 10210 OF 2025
IN FA/1300/2025**

Balu Baburao Jawale And Ors

VERSUS

The State Of Maharashtra Thr. Collector Osmanabad And Ors

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Mr. L. C. Patil, Advocate for Applicants

Mr. S. S. Dande, AGP for Respondents-State

Mr. R. A. Tambe, Advocate for Respondent no.3

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CORAM : AJIT B. KADETHANKAR.

DATED : 20TH SEPTEMBER, 2025

ORDER :-

. All these Civil Applications are filed by the respective claimants in the respective First Appeals. All the applicants are the original claimants in whose favour, the learned Trial Court has granted enhancement in their Respective Land Acquisition References.

2. Being dissatisfied with the enhancement, which as per the argument of the appellant is exaggerated enhancement, the respective appeals are filed by the Acquiring Body. It is not disputed that the entire amount is deposited in this Court together with accrued interest therein. Under such circumstances, present Civil Applications are filed by the respective applicants seeking permission to allow them to withdraw the award amount.

3. It is submitted that the entitlement of the applicants is decided by the learned Reference Court by assessing the facts and appreciating evidence on record. Applicants submit that their land is acquired under compulsory acquisition and they have lost their sole source of earning. With this, the applicants seek withdrawal of the award amount deposited by the Acquiring Body in this Court.

4. Mr. R. A. Tambe, learned Advocate representing the Acquiring Body/appellant would submit that the learned Trial Court has granted an exaggerated enhancement *qua* the valuation. Mr. Tambe would also submit that application of the interest under Section 28 is wrongly applied from the date of possession, which ought to have been applied from the date of award in view of settled position of law. On this count, learned Advocate Mr. Tambe although fairly submits that the claimants might be entitled for withdrawal of certain portion of amount, but he would object for withdrawal of entire award amount as the interest of the Acquiring Body would be prejudiced if no amount is secured out of the awarded amount.

5. Having heard both the parties at length, I am of the view that the present applications can be allowed partly by imposing some rider on the applicants in order to secure the interest of the appellants and to address the vital issue regarding application of the interest. Besides this, the claimants are also entitled for withdrawal of some portion of the deposited amount as undisputedly their land is acquired by the Acquiring Body under compulsory acquisition.

6. As a matter of record, the applicants have already withdrawn 50 percent of the total deposited award amount by giving undertaking to the satisfaction of the learned Registrar (Judicial) of this Court.

7. Now, vide present order the applicants are permitted to withdraw balance 50 percent amount by furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court.

8. In terms of above, all the Civil Applications stand disposed of.

(AJIT B. KADETHANKAR, J.)