



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

958 CIVIL APPLICATION NO. 9710 OF 2025 (withdrawal of amount)
IN FA/3102/2024

Bramhachari Baba Devasthan Trust,
Through Sachin Mohanrao Gaikwad
VERSUS
The State Of Maharashtra Through Collector, Osmanabad And Ors

WITH
CIVIL APPLICATION NO. 11018 OF 2024 (for stay)
IN FA/3102/2024

Mr.M.D.Shinde, Advocate for applicant
Mr.S.V.Hange, AGP for State authorities
Ms.Sunita D. Shelke, Advocate for respondent no.3

CORAM : AJIT B. KADETHANKAR, J.
DATE : SEPTEMBER 25, 2025

ORDER :-

C.A. for Stay:-

In the light of the admitted fact that pursuant to the stay order granted by this court, the acquiring body has deposited the entire payable award amount together with interest accrued thereon in this court, the stay granted earlier is made absolute. The application stands disposed of accordingly.

C.A. for withdrawal of amount:-

2. As the acquiring body has deposited the entire payable award amount in this court, the claimants - Trust has filed this application for permission to withdraw the deposited amount.

3. Mr.Shinde, learned counsel for the claimant - Trust, submits that the entitlement of the claimant has been considered by the reference court by assessing the evidence on record and examining the facts of the case. He would submit that the acquiring body was given full opportunity to defend the case before the reference court and thereafter only, the enhancement has been granted. He would submit that 75% of the properties of the trust has been acquired by the acquiring body and hence, in view of enhancement assessed by the reference court, the claimant may be allowed to withdraw the entire amount deposited with them.

4. Learned counsel for the acquiring body would submit that if the entire amount is allowed to be withdrawn by the claimant, it will be prejudicial to the interest of the acquiring body. She would submit that learned reference court has granted exaggerated amount and improper valuation has been considered by the reference court.

5. I find that today, the award is in favour of the claimant. This court is aware of the fact that the claimant is not a person but it is a trust, registered under the Bombay Public Trust Act. Their entitlement for compensation has been considered by the reference court on assessing the evidence and facts on record. In the peculiar

facts and circumstance of the case, while permitting withdrawal of amount by the claimant, the interest of the acquiring body needs to be considered.

6. Hence, the following order:-

(i) The applicant – claimant (Trust) is permitted to withdraw 75% of the deposited amount in this court with interest accrued thereon, on furnishing an undertaking to the satisfaction of learned Registrar (Judicial) of this court. Balance 25% deposited amount be kept in fixed deposit in any nationalised bank, and shall be kept until the appeal is decided.

(ii) The application stands disposed of accordingly.

[AJIT B. KADETHANKAR, J.]

KBP