



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

**CIVIL APPLICATION NO. 11293 OF 2025
IN
FIRST APPEAL NO. 5174 OF 2017**

Ashok Vishwanath Jawale .. Applicant

Versus

The G.M.I.D.C., Through The
Executive Director and Executive
Engineer, Osmanabad M.I.D.,
Osmanabad and others .. Respondents

Shri Vivekanand V. Ingale, Advocate for the Applicants.
Shri Prashant S. Shinde, Advocate for the Respondent No. 1.
Shri V. S. Badakh, A.G.P. for the Respondent No. 2.

**CORAM : SHAILESH P. BRAHME, J.
DATE : 13TH OCTOBER, 2025.**

FINAL ORDER :

. Heard both sides.

2. The applicant is praying for withdrawal of 50% of the amount deposited, which remained in the Court. He was permitted to withdraw 50% of the amount vide order dated 28th June, 2019. Accordingly the amount was disbursed. Now he is relying on order dated 12.09.2025 passed by the Coordinate Bench permitting the claimants in similarly situated matter to receive the balance 50% amount also on furnishing undertaking.

3. Learned counsel for the acquiring body submits that if the prayer of the applicant is granted that would amount to 100% withdrawal of the amount which is very exorbitant one. It is submitted that acquiring body has good case on merits and if the appeal is allowed, it would be difficult to recover the amount from the claimants.

4. Considering the objection of the acquiring body, this Court permitted similarly situated claimants to receive the balance amount vide order dated 12.09.2025. Instead of permitting the remaining amount on undertaking, I propose to disburse 25% of the amount on furnishing undertaking and 25% of the amount on furnishing solvent security/surety.

5. The civil application is partly allowed. The applicant is permitted to receive balance 25% amount with accrued interest on furnishing undertaking and 25% of the amount with accrued interest on furnishing solvent security/surety to the satisfaction of the Registrar (Judicial). The civil application is disposed of.

[SHAILESH P. BRAHME J.]

bsb/Oct. 25