



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

**918 CIVIL APPLICATION NO. 9479 OF 2025
IN FA/748/2014**

KASHINATH VISHWANATH BAMANKAR

VERSUS

G.M.I.D.C. THROUGH THE EXECUTIVE ENGINEER AND ANOTHER

**919 CIVIL APPLICATION NO. 9481 OF 2025
IN FA/749/2014**

DATTU GHANSHAM DESHMANE LRS SHANKAR AND OTHERS

VERSUS

GODAVARI MARATHWADA IRRIGATION DEVELOPMENT CORPORATION,
OSMANABAD MINOR IRRIGATION DIVISION

**920 CIVIL APPLICATION NO. 9487 OF 2025
IN FA/747/2014**

ASHOK DADARAO DESHMANE, L.RS. LAXMI AND OTHERS

VERSUS

G.M.I.D.C., THROUGH ITS THE EXECUTIVE ENGINEER, OSMANABAD AND ANR.,

Mr. V.V. Ingale, Advocate for the applicant.

Mr. P.S. Shinde, Advocate for respondent No.1.

Mr. R.B. Dhaware, AGP for the respondent-State.

CORAM : KISHORE C. SANT, J.

DATE : 12.09.2025

PC :-

01. These applications are moved by the applicants-original claimants/respondents in the appeal for withdrawal and relaxation of condition imposed by this Court while allowing the applications for withdrawal of amount deposited by the Acquiring Body in this Court.

02. In Civil Application No. 9487 of 2025, this Court vide order dated 14.12.2025 permitted the applicants to withdraw 60% amount on furnishing undertaking.

03. So far as Civil Application Nos. 9479 and 9781 of 2025 are concerned this Court by order dated 01.03.2018 permitted the applicants to withdraw 25% of the amount on furnishing an undertaking. Further 25% of the amount was directed to be withdrawn on giving solvent security. Remaining 50% of the amount was allowed to be withdrawn by furnishing bank guarantee. The applicants have already withdrawn the amount on giving undertaking and solvent surety. 50% of the amount could not be withdrawn as the applicants are not in a position to furnish bank guarantee. This application is, therefore, filed for relaxation of said condition.

04. Learned Advocate Mr. Shinde for the respondent vehemently opposes the applications. He submits that if the entire amount is allowed to be withdrawn without any bank guarantee, it would be difficult for the Acquiring Body to recover the amount in case the appeals are allowed.

05. The only contention is whether to permit the applicants to withdraw remaining amount. It is clear from the fact that inspite of order passed in 2018, till now the applicants could not furnish bank guarantee. The amount of compensation is also not much high. Considering that 50% of the amount is already withdrawn and to the extent of 25% of the amount already security/surety is given, this Court finds it to be in the interest of justice to allow the applicants to permit to withdraw even remaining 40% and 50% of the amount in the respective applications on giving usual undertaking.

06. Considering the above, the following order:-

- i) Civil Applications are allowed.
- ii) As regards CA No. 9479 of 2025 and 9481 of 2025 are concerned, condition of furnishing bank guarantee imposed by this Court by order dated 01.03.2018 in CA Nos. 2980 of 2018 and 2978 of 2018 in clause (iii) of the operative order stands modified. Rest of the 50% amount is allowed to be withdrawn along with accrued interest on furnishing security/surety to the extent of 50% to the satisfaction of learned Registrar (Judicial) of this Court. Thus, total security will be for 50% of the total amount.
- iii) As regards CA No. 9487 of 2025 is concerned, rest of the 40% amount is allowed to be withdrawn along with accrued interest on furnishing security/surety to the satisfaction of learned Registrar (Judicial) of this Court.

[KISHORE C. SANT, J.]