

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

29 CIVIL APPLICATION NO. 11838 OF 2024
IN FA/1774/2019

CHANDULAL RAHEMAN KURNE (DIED) THR. LRS. KASHIMBEE
CHANDULAL JAMGE DIED THR. LRS. SHAMA AND ORS

VERSUS

THE STATE OF MAHARASHTRA THR THE COLLECTOR, OSMANABAD

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Advocate for Applicant : Mr. Sachin Bhalerao h/f Mr. Kale Ajeet B.

AGP for Respondent nos. 1 & 2 : Mr. B.A. Shinde

Advocate for Respondent No. 3 : Mr. Madhav N. Kalyane h/f Mr. G.B. Rajale

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CORAM : SHAILESH P BRAHME, J.

DATE : 01.10.2025

PER COURT :

The applicants are seeking withdrawal of the balance amount deposited by the respondent-acquiring body. Previously, the applicants were permitted to withdraw 50% of the amount. The balance amount is sought to be withdrawn for the reasons stated in the application.

2. The learned counsel for the respondent-acquiring body opposes the submissions.

3. The acquiring body has deposited total amount of Rs. 96,46,047/-. By the previous orders, the applicants were permitted to withdraw 50% of the amount with accrued interest on furnishing undertaking. Accordingly, an amount of Rs. 49,73,024/- was disbursed to the applicant. Now, they are claiming disbursement of the balance amount. In fact, initially they were permitted to withdraw 75% of the amount vide order dated 23.10.2020. They were unable to comply the conditions and by modification they were permitted to withdraw 50% of the amount on furnishing undertaking. The first appeal is admitted. I deem it appropriate to permit the applicant to

receive further 25% of the amount with accrued interest on furnishing undertaking.

4. The Civil Application is allowed by permitting the applicants to receive further 25% of the amount with accrued interest on furnishing undertaking to the satisfaction of the Registrar (Judicial) of this Court. Balance amount shall continue to be invested in any Nationalized bank.

10. No disbursement shall be granted unless the office objections are removed.

(SHAILESH P. BRAHME, J.)

mkd/-