

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

19 CIVIL APPLICATION NO. 10998 OF 2025
IN FA/1000/2019

Shivaji Chandrabhan Sathe Dead Thr Lrs Tanhabai Shivaji Sathe & Ors

VERSUS

Deputy Chief Engineer, Nirman Central Railway & Another

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Mr. D. R. Jayabhar - Advocate for Applicant

Mr. Manish N. Navandar - Advocate for Respondent No. 1

Mr. B. A. Shinde - AGP for State

...

CORAM : NEERAJ P. DHOTE, J.

DATED : 3RD NOVEMBER, 2025

PER COURT : -

1. This is an Application by the Original Claimants for withdrawal of the remaining 40% amount deposited by the Acquiring Body against the Award under challenge.

2. Heard both the sides. Perused the papers on record.

3. It is submitted by the learned Advocate for the Applicant that the land to the extent of 54 *Are* out of Gut No. 226 of the village Narayan Doh was acquired by the Railway Authority and compensation amount of Rs. 2,06,322/- has been awarded to the Applicant along with the statutory benefits. He submits that, this Court has permitted the Applicants to withdraw 60% amount on furnishing undertaking, and directed to deposit/invest remaining 40% of the amount in the Fixed

Deposit. It was further directed that the interest on the amount deposited shall be disbursed in the joint account of the Applicants. He submits that, in similar matters, this Court has permitted the Applicants therein to withdraw the entire amount under the Award on furnishing undertaking and, therefore, the Application be allowed.

4. The Application is opposed by the learned Advocate for the Acquiring Body. He submits that, this Court by latest order dated 10.02.2025 in the connected matters, which is a group of 21 matters, has allowed withdrawal of 75% of the amount deposited by the Acquiring Body. He submits that, in the event the Appeals filed by the Acquiring Body are allowed, it would be difficult to recover the amount from the Claimants. He submits that, the Application be rejected.

5. There are orders permitting the similarly placed Applicants/Claimants to withdraw the entire amount, and permitting some of the Claimants to withdraw 75% amount. This Court has already permitted the Applicants to withdraw 60% amount on furnishing an undertaking. The learned Advocate for the Applicant is ready to furnish solvent security / surety against withdrawal of the balance 40% amount. This would take care of the apprehension expressed by the learned Advocate for the Acquiring Body in respect of recovery of the amount in case the Appeal is allowed.

6. Considering the quantum of compensation awarded by the learned Reference Court and the various orders passed by this Court in the connected Appeals, I am inclined to allow the Applicants to withdraw the remaining amount on furnishing solvent security / surety. Hence, the following order:

ORDER

- [i] The Application is allowed.
- [ii] The Applicants are permitted to withdraw remaining 40% amount deposited with this Court along with interest accrued thereon, on furnishing solvent security/surety to the satisfaction of the learned Registrar (Judicial) of this Court.
- [iii] The Application stands disposed off.

[NEERAJ P. DHOTE]
JUDGE

SG Punde