



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

919 CIVIL APPLICATION NO. 12277 OF 2025
IN FA/2541/2016

Mangal Bhaskar Misal

VERSUS

The State Of Maharashtra Through The Collector And Others

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WITH

CIVIL APPLICATION NO. 12278 OF 2025
IN FA/2524/2016

Vasundhara Ambadas Bembalkar

VERSUS

The State Of Maharashtra Through The Collector And Others

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WITH

CIVIL APPLICATION NO. 12279 OF 2025
IN FA/2540/2016

Ambadas Moreshwar Bembalkar

VERSUS

The State Of Maharashtra Through The Collector And Others

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Mr. Patil Laxmikant C., Advocate for the Applicant/s

Mr. B. A. Shinde, AGP for Respondent Nos.1 and 2

Mr. R. A. Tambe, Advocate for Respondent No.3

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CORAM : NEERAJ P. DHOTE, J.

DATE : 12.11.2025

PER COURT :

[I] ORDER IN CIVIL APPLICATIONS :-

1. These are the Applications filed by the Applicants / Original Claimants for withdrawal of the remaining 25% amount deposited by Respondent No.3 - Acquiring Body with this Court.

2. Heard the learned Advocate for the Applicants / Original Claimants, the learned AGP for Respondent Nos.1 and 2 and the learned Advocate for Respondent No.3 - Acquiring Body.

3. The learned Advocate for the Applicants submits that, in other matters, wherein the Acquiring Body is the same, this Court, in Civil Application No.6490/2024 in First Appeal No.3869/2019, has permitted withdrawal of the remaining 25% amount on furnishing solvent surety / security by the Applicant to the satisfaction of the learned Registrar [Judicial] of this Court. He submits that, the Applicants are ready to furnish solvent surety / security against withdrawal. He, therefore, submits that, the Applications be allowed.

4. The Applications are vehemently opposed by the learned Advocate for Respondent No.3 - Acquiring Body. He submits that, this Court has already permitted the Applicants to withdraw 75% of the amount, and if the remaining 25% is allowed to be withdrawn, nothing would remain in the Appeals. He submits that, the Appeals be heard finally and the Applications may not be considered.

5. The learned AGP for Respondent Nos.1 and 2 supports the contention of the learned Advocate appearing for Respondent No.3 – Acquiring Body.

6. The acquisition is of 1999. The Appeals are of 2016. The Record and Proceedings are not available. The Applicants are ready to furnish solvent surety / security against withdrawal of the balance 25% amount. In this view of the matters, I proceed to pass the following order :

ORDER

[i] Civil Applications are allowed in terms of Prayer Clause – ‘B’, subject to the condition that, the Applicant/s shall furnish solvent surety / security against the withdrawal of the amount to the satisfaction of the learned Registrar [Judicial] of this Court.

[ii] Civil Applications are disposed off accordingly.

[II] ORDER IN FIRST APPEALS :-

1. Call Record and Proceedings with Paper-book.
2. Since the Appeals are of 2016, the same are expedited.
3. List the Appeals along with X-Objections after receipt of the Record and Proceedings with Paper-book.

[NEERAJ P. DHOTE, J.]