



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 6595 OF 2025
(for withdrawal of amount)
IN FIRST APPEAL STAMP NO. 28238 OF 2018

Balaji Nivrutti Birajdar
versus
The State of Maharashtra, Through District Collector, Osmanabad & others

WITH
CIVIL APPLICATION NO. 3728 OF 2020
(for condonation of delay)
IN FIRST APPEAL STAMP NO. 28238 OF 2018

The Ex. Engineer, Patabandhare Majbutikaran Division, Omerga & ors.
versus
Balaji Nivrutti Birajdar

WITH
CIVIL APPLICATION NO. 6594 OF 2025
(for withdrawal of amount)
IN FIRST APPEAL STAMP NO. 28233 OF 2018

Shivram Annarao Jadhav
versus
The State of Maharashtra, Through District Collector, Osmanabad & others

WITH
CIVIL APPLICATION NO. 3718 OF 2020
(for condonation of delay)
IN FIRST APPEAL STAMP NO. 28233 OF 2018

The Ex. Engineer, Patabandhare Majbutikaran Division, Omerga & ors.
versus
Shivram Annarao Jadhav

WITH
CIVIL APPLICATION NO. 6592 OF 2025
(for withdrawal of amount)
IN FIRST APPEAL STAMP NO. 28216 OF 2018

Vitthal Shrimant Honpake
versus
The State of Maharashtra, Through District Collector, Osmanabad & others

WITH
CIVIL APPLICATION NO. 3720 OF 2020
(for condonation of delay)
IN FIRST APPEAL STAMP NO. 28216 OF 2018

The Ex. Engineer, Patabandhare Majbutikaran Division, Omerga & ors.
versus
Vitthal Shrimant Honpake

WITH
CIVIL APPLICATION NO. 6591 OF 2025
(for withdrawal of amount)
IN FIRST APPEAL STAMP NO. 28223 OF 2018

Dhanu Sitaram Jadhav
versus
The State of Maharashtra, Through District Collector, Osmanabad & others

WITH
CIVIL APPLICATION NO. 3724 OF 2020
(for condonation of delay)
IN FIRST APPEAL STAMP NO. 28223 OF 2018

The Ex. Engineer, Patabandhare Majbutikaran Division, Omerga & ors.
versus
Dhanu Sitaram Jadhav

WITH
CIVIL APPLICATION NO. 3722 OF 2020
(for condonation of delay)
IN FIRST APPEAL STAMP NO. 28211 OF 2018

The Ex. Engineer, Patabandhare Majbutikaran Division, Omerga & ors.
versus
Manik Tukaram Jadhav

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WITH
CIVIL APPLICATION NO. 3714 OF 2020
(for condonation of delay)
IN FIRST APPEAL STAMP NO. 28096 OF 2018

The Ex. Engineer, Patabandhare Majbutikaran Division, Omerga & ors.
versus
Kalidas Vishwanath Thite

WITH
CIVIL APPLICATION NO. 3716 OF 2020
(for condonation of delay)
IN FIRST APPEAL STAMP NO. 28219 OF 2018

The Ex. Engineer, Patabandhare Majbutikaran Division, Omerga & ors.
versus
Gunaji Bhima Honpke

WITH
CIVIL APPLICATION NO. 6593 OF 2025
(for withdrawal of amount)
IN FIRST APPEAL STAMP NO. 28228 OF 2018

Chandraprakash Ramrao Mane
versus
The State of Maharashtra, Through District Collector, Osmanabad & others

WITH
CIVIL APPLICATION NO. 3726 OF 2020
(for condonation of delay)
IN FIRST APPEAL STAMP NO. 28228 OF 2018

The Ex. Engineer, Patabandhare Majbutikaran Division, Omerga & ors.
versus
Chandraprakash Ramrao Mane

.....
Advocate for the Applicants-claimants : Mr. Ajit B. Kale
AGP for Respondent-State : Mr. V. S. Badakh
Advocate for the Acquiring Body : Mr. Mukul S. Kulkarni
.....

CORAM : ABHAY S. WAGHWASE, J.

DATED : 24 SEPTEMBER 2025

ORDER :

**CIVIL APPLICATION/6595/2025, CIVIL APPLICATION/6594/2025
CIVIL APPLICATION/6592/2025, CIVIL APPLICATION/6591/2025
CIVIL APPLICATION/6593/2025
(for withdrawal of amount)**

1. These applications filed for withdrawal of amount deposited by the appellant-Acquiring Body in this Court. Learned counsel Mr. Kale for the applicants-claimants submits that the Acquiring Body has deposited only 75% of the amount under award. Learned counsel has placed on record copy of order dated 19.04.2024 passed in similar matter i.e. Civil Application No. 11167 of 2023 in First Appeal No. 3576 of 2018 and submits that, the claimants therein are permitted to withdraw 75% of the deposited amount on usual undertaking. Learned counsel thus prays for similar order.

2. Learned counsel for the Acquiring Body opposes the applications. He submits that the land involved in Civil Application NO. 11167 of 2023 was from different village. He further submits that the Reference Court has awarded rate of interest under Section 28 of the Land Acquisition Act from the date of possession and not from the date of award. Learned counsel further submits that enhancement is

exorbitant. Learned counsel however concedes that in Civil Application No. 4971 of 2024 in First Appeal No. 1579 of 2023 with connected matters, the similarly situated claimants therein are permitted to withdraw 75% of the deposited amount.

3. Considering the above submissions, the applications are partly allowed. The applicants are allowed to withdraw 75% of the deposited amount on usual undertaking to the effect that in case the appeals are allowed, the applicants shall re-deposit the amount with interest within 12 weeks from the date of such order.

4. The remaining 25% of the deposited amount shall be invested in the fixed deposit of any nationalized bank to be renewed from time to time till disposal of the amount.

5. The applications are accordingly disposed off.

**CIVIL APPLICATION/3728/2020, CIVIL APPLICATION/3718/2020
CIVIL APPLICATION/3720/2020, CIVIL APPLICATION/3724/2020
CIVIL APPLICATION/3722/2020, CIVIL APPLICATION/3714/2020
CIVIL APPLICATION/3716/2020, CIVIL APPLICATION/3726/2020
(for condonation of delay)**

6. These applications are at the instance of the appellant Acquiring Body, praying therein to condone the delay of 1431 days caused in filing the respective First Appeals.

7. For the reasons set out in the applications, the delay caused in filing the appeals is hereby condoned. Registry to register the First Appeals.

[ABHAY S. WAGHWASE, J.]