



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

**CIVIL APPLICATION NO. 13753 OF 2024
IN FA/1439/2023**

Rukminibai Rambhau Navat

.. Applicant

Versus

The State Of Maharashtra
Through Collector, Osmanabad And Others

.. Respondents

Mr. Abhijit S. More, Advocate for the Applicant.
Smt. R. R. Tandale, AGP for Respondent Nos. 1 and 2.
Mr. S. G. Sangle, Advocate for Respondent No. 3.
Mr. P. B. Rakhunde, Advocate for the Applicants in C.A. No.
11331/2024.

**WITH
CIVIL APPLICATION NO. 11331 OF 2024
IN FA/1439/2023**

CORAM : KISHORE C. SANT, J.

DATE : 01st OCTOBER, 2025.

PER COURT :-

. Heard.

2. This application is by the original claimant – respondent in the appeal for withdrawal of the amount of compensation deposited in the office of this Court.

3. The withdrawal of the amount is objected by the learned advocate for the interveners who filed Civil Application No. 11331/2024. It is the case of the interveners that, they are sons of Rukminibai, still they are kept away and reference was filed only by Rukminibai as Karta of the family. In fact, interveners also have share in the property to the extent of 60%. Now, the suit is filed which is pending. Therefore, he submits that the application be allowed at the most to the extent of 40% of the amount as each one of the persons as per their claim is entitled to receive 1/5th share in the property.

4. The learned advocate Mr. More for the applicants points out that, though the substantive suit is filed by the interveners, there is no order passed below Exh. 5 in their favour. The application below Exh. 5 is specifically rejected. He also points out that, two references were filed. In one of the references Rukminibai is the only party and in other reference i.e. Reference No. 148/2002 the applicant along with other interveners are the parties.

5. The learned A.G.P prays for passing appropriate order.

6. Considering the above, this Court finds that, even assuming

that the interveners have any right, the right is only to the extent of 60%. Therefore, this Court is inclined to allow the civil application by allowing the applicant to withdraw 50% of the amount on undertaking. The undertaking also shall contain a clause that, in case, it is found that the interveners are also entitled to get the amount, she will pay the amount to the interveners in case they are entitled to get the amount out of compensation.

7. With this, the civil application stands disposed of.

8. Intervention application to be considered at the time of hearing of the appeal.

(KISHORE C. SANT, J.)

P.S.B.