



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

960 CIVIL APPLICATION NO. 9416 OF 2025
IN FAST/25352/2024

MANIK SO MAHADEV JADHAV
VERSUS
THE EXECUTIVE ENGINEER AND ORS

...

Mr. M. B. Kolpe h/f. Mr. V. B. Deshmukh, Advocate for Applicant
Mr. S. S. Dande, AGP for Respondents-State
Mr. A. S. Shelke, Advocate for Respondent No.1

WITH
CIVIL APPLICATION NO. 10285 OF 2024
IN FAST/25352/2024

THE EXECUTIVE ENGINEER IRRIGATION PROJECT STRENGTHENING
DIVISION OMERGA

VERSUS
MANIK MAHADEV JADHAV AND ORS

WITH
CIVIL APPLICATION NO. 10286 OF 2024
IN FAST/25352/2024

THE EXECUTIVE ENGINEER IRRIGATION PROJECT STRENGTHENING
DIVISION OMERGA

VERSUS
MANIK MAHADEV JADHAV AND ORS

...

CORAM : AJIT B. KADETHANKAR, J.

DATE : 10th SEPTEMBER 2025

PER COURT :-

CIVIL APPLICATION NO. 9416 OF 2025

1. Mr. Kolpe holding for Mr. Deshmukh, learned counsel for the applicants submits that pursuant to the order dated 26th September

2024, passed by this Court in Civil Application No.10286 of 2024, the applicant/Executive Engineer, Omerga has deposited 50% of the payable award amount in this Court. Shri. Kolpe submits that the applicants are in dire need of money and have lost their immovable property due to acquisition. He further prays for withdrawal of the entire amount that is deposited by the applicant/Executive Engineer.

2. Per contra, the learned counsel for the respondent/acquiring body vehemently opposes the application for withdrawal. Mr. Shelke contends that the appeal consists of good merit and if the amount is allowed to be withdrawn, the very purpose of the filing the First Appeal would be frustrated.

3. Heard both the parties.

4. It is not disputed that the property of the applicants has been acquired by the acquiring body, the learned Trial Court has objected rights and liabilities of the parties upon scrutinizing evidence on record. Today, the award stands in favour of the applicants. The amount deposited by the respondent/acquiring body is lying in the bank. It is in nobody's interest if the amount remains so deposited without being withdrawn.

5. Hence I feel it appropriate to pass the following order:-

ORDER

- a. Civil Application is allowed.
- b. Applicants are permitted to withdraw the amount deposited by the acquiring body by furnishing an undertaking to the satisfaction of the learned Registrar (Judicial) of this Court specifically assuring and agreeing that in the event of reversal or modification in the judgment and award impugned in the present First Appeal revert back the amount to which they would be liable.
- c. Civil Application stands disposed of.

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1. For the reasons mentioned in the application, Civil Application is allowed.
2. Delay is hereby condoned.
3. Registry to register the First Appeal subject to removal of all office objections within four weeks from today.
4. On registration, issue notice to the respondents.
5. Mr. Kolpe, learned counsel waives service of notice for respondent no.1. Mr. S. S. Dande, learned AGP waives service of notice for respondent nos.2 and 3.

[AJIT B. KADETHANKAR, J.]