

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

917 CIVIL APPLICATION NO.4453 OF 2025
IN FA/2840/2021

Kashibai Somla Pawar

Versus

The State Of Maharashtra
Through Its Collector, Osmanabad And Ors

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Shri. Laxmikant C. Patil, Advocate for the Applicant
Shri. R. B. Dhaware, AGP for the Respondent / State.
Shri. Mukul S. Kulkarni, Advocate for Respondent No.3

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CORAM : NEERAJ P. DHOTE, J.

Dated : MAY 08, 2025

PER COURT :-

. This is the Application by the Original Claimant for withdrawal of the remaining 20% amount under the Award, deposited by the Acquiring Body with the Office of this Court.

2. It is submitted by the learned Advocate for the Applicant that the Acquiring Body has deposited 85% amount under the Award and the Applicant has already withdrawn total 65% amount deposited by the Acquiring Body. He submits that 20% amount remains with this Court and the Applicant is ready to furnish Solvent Surety / Security against withdrawal of the said remaining amount. He submits that, this Court in similar matters i.e. in Civil Application No.6170 of 2024 in First Appeal No.2657 of 2019 and in Civil Application No.4126 of 2025 in First Appeal No.348 of 2019 and other two Applications, has permitted the similarly placed Claimants to withdraw the remaining amounts

against Solvent Surety / Security and hence, the Application may be allowed.

3. The Application is vehemently opposed by the learned Advocate for the Acquiring Body. He submits that, this Court had considered Surety / Security / Bank Guarantee at the time of last withdrawal. He submits that, this amounts to review of the said order and therefore, the Application may be rejected.

4. On hearing both the sides and considering the aspect that similarly placed Claimants were permitted to withdraw the remaining amount deposited by the Acquiring Body along with interest accrued thereon against furnishing Solvent Surety / Security, the same course will have to be adopted in this Application on the ground of parity and hence, the order.

ORDER

- (i) The Application is allowed in terms of prayer clause 'B'.
- (ii) The Applicant is permitted to withdraw the remaining amount along with the interest accrued thereon, on furnishing Solvent Surety / Security / Bank Guarantee to the satisfaction of the learned Registrar (Judicial) of this Court.
- (iii) Applications stands disposed off.

(NEERAJ P. DHOTE, J.)

GGP