



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

69 CIVIL APPLICATION NO. 10288 OF 2025 (withdrawal of amount)
IN FA/550/2025

Pandit Pandurang Manu Pawar (Died)
Through Lrs Zimabai Pandit Pawar And Ors
VERSUS
The State Of Maharashtra And Ors

Mr.L.C.Patil, Advocate for applicants
Mr.S.S.Dande, AGP for respondent nos.1 and 2
Mr.A.H.Koralkar, Advocate for respondent no.3

CORAM : AJIT B. KADETHANKAR, J.
DATE : SEPTEMBER 22, 2025

ORDER :-

Heard Mr.L.C.Patil, learned counsel for the claimants/applicants. Feeling aggrieved by the judgment and award dated 03.05.2023, passed by learned C.J.S.D., Osmanabad, in LAR No.1127/2015, First Appeal is lodged by the appellant/acquiring body.

2. This application is filed by the Claimants/applicants, seeking withdrawal of the award amount deposited by the acquiring body in this court.

3. Mr.Koralkar, learned counsel for the acquiring body, submits that the appeal stands on good grounds and excessive

compensation has been awarded by the reference court. He would submit that if the amount is allowed to be withdrawn by the claimants, the very purpose of appeal itself would stand frustrated.

4. Mr.L.C.Patil, learned counsel for respondents, submits that the residential properties have been acquired by the acquiring body and the claimants have been granted inadequate compensation. He would further submit that their entitlement has been assessed judicially by the reference court. He prays that the claimants be permitted to withdraw the award amount deposited by the acquiring body. He submits that only 90% amount of the total award has been deposited by the acquiring body in this court. He, therefore, prays for allowing the application.

5. Having heard both sides, I find that today the award stands in favour of claimant/applicant. Their entitlement is adjudicated by the reference court by examining the facts and appreciating the evidence on record. As the appellant objects on the quantum and since 90% of the award amount has been deposited in this court, I deem it appropriate to pass the following order:-

(i) The application is partly allowed.

(ii) The applicants are permitted to withdraw the entire amount deposited by the acquiring body in this court, on furnishing undertaking to the satisfaction of learned Registrar (Judicial) and additionally, by giving solvent surety/security to the extent of 20% for such withdrawal.

[AJIT B. KADETHANKAR, J.]

KBP