



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

964 CIVIL APPLICATION NO. 9712 OF 2025
IN FA/2859/2024

SOW LAXMIBAI HARI GHATSHELE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR
OSMANABAD AND ORS

...

Mr. L. C. Patil, Advocate for Applicant
Mr. S. V. Hange, AGP for Respondents-State
Mr. A. M. Gaikwad, Advocate for Respondent/acquiring body

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CORAM : AJIT B. KADETHANKAR, J.
DATE : 10th SEPTEMBER 2025

PER COURT :-

1. This is Civil Application seeking permission to withdraw the amount deposited by the respondent/acquiring body in this Court pursuant to the order passed by this Court staying the execution and operation of the judgment and award impugned in the appeal.

2. Mr. L. C. Patil, learned counsel for the applicant submits that the applicant is in dire need of money and has not received the fruits of the trial that was conducted in the learned Tribunal.

3. However, the respondent/acquiring body vehemently opposes the application on the ground that valuable rights of the respondent/acquiring body are involved in the main appeal. That, if the deposited amount is allowed to be withdrawn, the very purpose of filing the appeal itself shall stand frustrated.

4. Upon having heard the parties, I am of the considered view that today, the award stands in favour of the applicant. Entitlement of the applicant to receive the award compensation, as well as ascertainment of the quantum has been adjudicated by the learned Tribunal upon examining the facts and scrutinizing the evidence.

5. In the circumstances, in my considered view, the interest of both the parties can be secured by permitting the applicant to withdraw the amount as ordered below by imposing certain rider. Hence, following order :-

ORDER

- a. Civil Application is partly allowed.
- b. The applicant is permitted to withdraw 50 percent

amount on furnishing usual undertaking to the satisfaction of the learned Registrar (Judicial) of this Court and 25 percent on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this Court.

c. Needless to mention that the permitted withdrawal shall be together with the interest accrued thereon.

[AJIT B. KADETHANKAR, J.]

PRW