



(1)

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

**953 CIVIL APPLICATION NO. 10885 OF 2024
IN FA/2946/2023**

**ANAND SHANKAR BIRAJDAR, DIED, THROUGH LRS
KALPANA ANAND BIRAJDAR AND ORS**

VERSUS

**THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR
OSMANABAD AND ORS**

AND

**CIVIL APPLICATION NO. 10886 OF 2024
IN FA/2945/2023**

BALAJI VISHWANATH BANDGAR

VERSUS

**THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR
OSMANABAD AND ORS**

....

Mr Yash S. Pareek, Advocate h/f Mr A. B. Kale, Advocate for
applicants in both applications

Mr S. K. Shirse, A.G.P. for respondent Nos.1 & 2

Mr R. A. Tambe, Advocate for respondent No.3

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 4th July, 2025

PER COURT:

1. These are the applications for withdrawal of the amounts deposited by the acquiring body in accordance with orders dated 07/07/2023.

(2)

2. Advocate Mr Yash Pareek, holding for Advocate Mr Kale, learned counsel for the applicants in both applications submits that this Court, after considering the grounds of appeal and reasoning adopted by the Reference Court, permitted withdrawal of 75% of the amount in connected matters arising out of the same award of acquisition. He places reliance on order dated 23/06/2023, passed in Civil Application No.7607/2023 in First Appeal No.669/2022 with connected matters, and requests for passing similar orders.

3. Learned A.G.P. appearing for respondent Nos.1 and 2 and Advocate Mr Tambe appearing for respondent No.3 do not dispute the position.

4. Considering the submissions advanced, the same course needs to be followed.

5. Hence, these civil applications are allowed. Applicants are permitted to withdraw 75% of the amount deposited in this Court along with interest accrued thereon, subject to conditions i.e. 50% on usual undertaking to be furnished with the Registrar (Judicial) of this Court, stating therein that, in case the appeals are decided against the claimants, they will deposit the amount immediately, and 25% of the

(3)

amount alongwith proportionate interest thereon is permitted to be withdrawn after furnishing solvent surety/security. The balance amount of 25% be kept in Fixed Deposit in any Nationalized Bank on yearly renewal basis, till disposal of the first appeals.

6. The civil applications are disposed of.

(PRAFULLA S. KHUBALKAR, J.)

sjk