



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

**CIVIL APPLICATION NO. 11141 OF 2024
IN FA/1780/2025**

The Executive Engineer Irrigation
Project Strengthening Division, Omerga .. Applicant

Versus

Narhari Damodar Sonar Mahamuni (Died)
His L.Rs. Vimal And Others .. Respondents

Mr. Uday S. Malte, Advocate for the Applicant (Through V.C.).
Smt. Chaitali Choudhari-Kutti, AGP for Respondent Nos. 2 & 3.
Mr. L. C. Patil, Advocate for Respondent No. 1.

**WITH
CIVIL APPLICATION NO. 10855 OF 2025
IN FA/1780/2025**

Narhari Damodar Sonar Mahamuni (Died)
Through L.Rs. Vimal And Others .. Applicants

Versus

The State of Maharashtra and others .. Respondents

Mr. L. C. Patil, Advocate for the Applicants (Through V.C.).
Smt. Chaitali Choudhari-Kutti, AGP for Respondent Nos. 1 & 2.
Mr. Uday S. Malte, Advocate for Respondent No. 3.

CORAM : KISHORE C. SANT, J.

DATE : 01st OCTOBER, 2025.

PER COURT :-

CIVIL APPLICATION NO. 10855 OF 2025 :

1. Heard learned advocates for the parties.

2. This application is for withdrawal of the amount deposited by the acquiring body – appellant in the office of this Court.

3. The learned advocate for the applicants relies upon the order passed by this Court dated 10.09.2025 passed in Civil Application No. 6711/2025 in First Appeal No. 4180/2023.

4. The application is vehemently opposed by learned advocate Mr. Malte for respondent No. 3. He submits that, in all the references the learned Reference Court has relied upon a basic judgment in L.A.R. No. 331/2008 and the rate is awarded. He submits that, the sale instance in that reference was for a small piece of land having commercial value and it was non agricultural land whereas in other matter and specifically in the present matter it is agricultural land and the same rate that is given in L.A.R. No. 331/2008 could not have been granted by the learned Trial court. He thus submits that, in the appeal there are substantial grounds taken and there is chance of success in the appeal.

5. Be that as it may, now the amount is deposited in this Court, it is in nobody's interest to keep the amount lying in the office of this Court. The applicants have lost their properties.

6. Considering the above, following order :

ORDER

(I) The applicants are permitted to withdraw 75% of the amount deposited in this Court along with accrued interest on furnishing usual undertaking. The balance 25% of the amount with accrued interest be invested in a fixed deposit in any Nationalized Bank till disposal of the appeal.

(II) The civil application stands disposed of.

CIVIL APPLICATION NO. 11141 OF 2024 :

1. Since the amount as per award is already deposited in the office of this Court, there shall be stay to the impugned judgment and award in terms of prayer clause (B) till final disposal of the appeal,

2. The civil application stands disposed of.

(KISHORE C. SANT, J.)

PS.B.