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33-CA-10636-2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

33 CIVIL APPLICATION NO. 10636 OF 2025
IN FAST/19385/2024

Vishnu Kerba Barvakar

VERSUS

The State Of Maharashtra Through The Collector At Osmanabad And
Ors.

WITH

CIVIL APPLICATION NO. 10639 OF 2025
IN FAST/19399/2024

WITH

CIVIL APPLICATION NO. 10638 OF 2025
IN FAST/19403/2024

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Mr. Abhijit S. More, Advocate for Applicant.

Mr. R. B. Dhaware, AGP for Respondent-State.

Mr. S. B. Parnere, Advocate for Respondent No.3.

CORAM : KISHORE C. SANT, J.

DATE : 29th SEPTEMBER 2025.

PC :-

1. Heard the learned Advocates for the parties.
2. These civil applications are preferred in respective appeals seeking permission to withdraw the amount deposited by the appellant-

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Acquiring Body in the office of this Court towards compensation as per impugned judgment and award passed by the learned Reference Court.

3. It is submitted that only 50% of the amount as per the award is deposited in the office of this Court. The learned Advocate places reliance on the order dated 5th January 2023 passed in CA/17390/2022 in FA/1702/2021 arising out of same acquisition proceedings.

4. The learned AGP vehemently opposed the application. He submits that there are substantial issues involved in the appeal. If the appeals are allowed, it would be difficult for the applicants to recover the amount.

5. However, since only 50% of the amount is deposited in the office of this Court and in view of the order dated 5th January 2023, this Court finds it in the interest of justice to allow the applicants to withdraw the amount alongwith accrued interest. Hence, the following order:

ORDER

(i) Applications are allowed.

(ii) The applicants are permitted to withdraw the entire

amount (50% of the amount as per award) deposited in the office of this Court alongwith accrued interest by giving usual undertaking.

(iii) With this, Application stands disposed off.

[KISHORE C. SANT, J.]