



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

12 CIVIL APPLICATION NO. 10982 OF 2025
IN FA/305/2014

Prakash Haribhau Potdar (Died) Through Lrs Vijaya And Ors
VERSUS
The Executive Engineer, Minor Irrigation Division, Osmanabad

Mr.V.V.Ingale, Advocate for applicants
Mr.S.R.Dheple, Advocate for respondent no.1
Mr.S.S.Dande, AGP for respondent no.2

CORAM : AJIT B. KADETHANKAR, J.
DATE : OCTOBER 06, 2025

ORDER :-

Mr.Ingole, learned counsel for the applicants - claimants, would submit that pursuant to the judgment and award passed by the reference Court, the acquiring body has deposited the entire amount in this court together with interest accrued thereon. He would further submit that the earlier application seeking withdrawal of the deposited amount was partly allowed and the applicants were allowed to withdraw 50% of the deposited amount together with accrued interest. He submits that by way of present application, the applicants seek withdrawal of the remaining amount. Mr. Ingole places reliance on the **order dated 12.09.2025, passed by this court in Civil Application No.9509 of 2025 in FA No.464 of 2024.** He submits

that the cited matter is arising out of the same land acquisition proceedings and judgment and award, which is under challenge in the present appeal. He, therefore, prays that on the principle of parity, present application may be allowed.

2. Mr.Dheple, learned counsel for the respondent - acquiring body, would submit that he had objected withdrawal of amount while allowing Civil Application No.9509 of 2025 in FA No.464 of 2024, indicating the merits in the First Appeal and also the apprehension of the acquiring body that the case of the acquiring body may become infructuous, if the entire amount is allowed to be withdrawn. He, however, in all fairness, submit that after hearing the parties, the cited order came to be passed. He submits that the interest of the acquiring body should not suffer, if this court allows this successive application for withdrawal balance amount

3. In view of the statement made by both sides, instead of the earlier order passed in Civil Application No.9509 of 2025 in FA No.464 of 2024 (supra), the applicants are permitted to withdraw the balance 50% amount deposited by the acquiring body in this court. The withdrawal shall be together with interest accrued thereon. The applicants shall submit usual undertaking to the

learned Registrar (Judicial) of this court, thereby assuring to remit back the amount together with interest, in the event the First Appeal is allowed. The application stands disposed of accordingly.

[AJIT B. KADETHANKAR, J.]

KBP