



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**921 CIVIL APPLICATION NO. 10883 OF 2025
IN FA/842/2022
WITH CIVIL APPLICATION NO. 10884 OF 2025 IN FA/842/2022**

NAGU GUNDA WADAR (DIED) THR LRS LAXMAN AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

WITH CIVIL APPLICATION NO. 10888 OF 2025 IN FA/843/2022

DILIP BHIMSU ITTALKAR DIED THR LRS VILAS AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Mr. L. C. Patil, Advocate for the Applicants
Mr. V. S. Badakh, AGP for Respondent Nos. 1 and 2-State

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CORAM : ABHAY S. WAGHWASE, J.

DATED : 03 OCTOBER 2025

PER COURT :-

CIVIL APPLICATION NO. 10883 OF 2025 IN FA/842/2022 AND
CIVIL APPLICATION NO. 10888 OF 2025 IN FA/843/2022

1. Both these applications are filed by the legal representatives of the original claimants/respondents in the respective First Appeals. Copies of death certificates are annexed at Exhibit "A".

2. In view of the above and for the reasons mentioned in the applications, the same are allowed in terms of prayer clauses "B", "B-1" and "C" in the respective applications. Both the applications are accordingly disposed off.

CIVIL APPLICATION NO. 10884 OF 2025 IN FA/842/2022

1. This application is at the instance of original claimants, who are respondents in the First Appeal, thereby seeking withdrawal of entire amount deposited by the acquiring body along with interest accrued thereon.

2. The First Appeal is preferred by the State against the judgment and award dated 29.04.2015 passed by learned Civil Judge Senior Division, Osmanabad in LAR No. 475 of 2011. The Appellant/State has deposited the amount under the Award.

3. Learned counsel for the applicants-claimants has placed on record an order dated 08.04.2025 passed in Civil Application No. 4044 of 2025 in FA/847/2022 (copy of the said order is taken on record and marked as "X" for identification). Mr. Patil submits that the order referred (supra) arises out of the same land acquisition proceedings and the same award which is subject matter of the present appeal. He therefore urges for similar order in the present Civil Application.

4. Learned AGP does not dispute the aforesaid aspect.

5. In view of the above, following order is passed :

ORDER

I. The Civil Application is partly allowed.

II. The applicants-claimants are hereby permitted to withdraw 50% of the amount of compensation on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court and 25% amount on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court.

III. Remaining 25% amount of compensation shall be invested in Fixed Deposit in any Nationalized Bank for a period of two years with a clause of renewal.

IV. The Civil Application is accordingly disposed off.

[ABHAY S. WAGHWASE, J.]

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