



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

946 CIVIL APPLICATION NO. 5789 OF 2025
IN FA/2161/2025

Balaji Nanarao Jadhav
VERSUS
The State Of Maharashtra Through Collector, Jalgaon And Others

WITH
CIVIL APPLICATION NO. 5790 OF 2025
IN FA/2164/2025

WITH
CIVIL APPLICATION NO. 5788 OF 2025
IN FA/2162/2025

WITH
CIVIL APPLICATION NO. 5787 OF 2025
IN FA/2163/2025

WITH
CIVIL APPLICATION NO. 338 OF 2020
IN FA/2163/2025

WITH
CIVIL APPLICATION NO. 336 OF 2020
IN FA/2164/2025

WITH
CIVIL APPLICATION NO. 340 OF 2020
IN FA/2162/2025

WITH
CIVIL APPLICATION NO. 344 OF 2020
IN FA/2165/2025

WITH

CIVIL APPLICATION NO. 342 OF 2020
IN FA/2161/2025

Ms.Saskshi Kale, Advocate i/b Mr.Ajit Kale, Advocate for claimants
Mr.S.S.Dande, AGP for State authority
Mr.M.S.Kulkarni, Advocate for acquiring body

CORAM : AJIT B. KADETHANKAR, J.
DATE : SEPTEMBER 25, 2025

ORDER :-

Ms.Sakshi Kale, learned counsel holding for Mr.Ajit Kale, learned counsel for the claimants, submits that pursuant to the order passed by this court on the application for stay, the acquiring body has deposited the entire payable amount in this court together with interest accrued thereon. She would submit that the entitlement of the claimants to receive the compensation has been assessed by the trial court after examining the evidence on record and thereafter only, enhancement has been granted by the trial court. She would submit that it is not in dispute that immovable properties of the applicants have been acquired by the acquiring body in the compulsory acquisition. She would submit that that there cannot be any dispute about the quantum, as could be seen to have been raised by the acquiring body in the appeal. She places reliance on the **order dated 19.06.2024, passed by this Court in Civil Application No.4976 of 2024 in FA/1572/2023 with connected**

matters. She would further submit that this court, vide said order, has permitted the applicants therein to withdraw 75% of the deposited amount, on furnishing undertaking to the satisfaction of learned Registrar (judicial). In order to justify the reliance placed on the cited order, she would submit that the subject matter - land acquisition proceedings in the cited appeals is the same, which is the subject matter of the present appeals. She would also submit that the grounds of appeals raised by the acquiring body in both these matters is also same. In view of this, she prays for withdrawal of 75% of the deposited amount together with interest accrued thereon.

2. Mr.Kulkarni, learned counsel for the acquiring body, in all fairness, agrees with the submission made by learned counsel for the applicants so far as factual aspect is concerned. He would further submit that the acquiring body has reasonable right to dispute the findings of the reference court on merits while hearing the appeal.

3. In view of the above, I pass the following order:-

(i) The applications are partly allowed.

(ii) The applicants are allowed to withdraw 75% of the deposited amount on usual undertaking to the effect that in case the

appeals are allowed, the applicants shall re-deposit the amount with interest within 12 weeks from the date of such order.

(iii) Remaining 25% of the deposited amount shall be invested in the fixed deposit of any nationalized bank, to be renewed from time to time till disposal of the amount.

C.A. for Stay :-

4. It is not in dispute that the acquiring body has deposited the entire award amount together with interest accrued, pursuant to the stay granted by this court. In view thereof, the stay granted earlier is made absolute. The application stands disposed of accordingly.

[AJIT B. KADETHANKAR, J.]

KBP