



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

74 CIVIL APPLICATION NO. 10319 OF 2025 (withdrawal of amount)
IN FA/421/2025

Somu Kalu Rathod
VERSUS
The State Of Maharashtra,
Through The Collector Osmanabad And Ors

Mr.L.C.Patil, Advocate for applicant
Mr.S.S.Dande, AGP for respondent nos.1 and 2
Ms.Sunita Shelke, Advocate for respondent no.3

WITH
CIVIL APPLICATION NO. 11166 OF 2024
IN FA/421/2025

CORAM : AJIT B. KADETHANKAR, J.
DATE : SEPTEMBER 22, 2025

ORDER :-

This Civil Application is filed by the original claimant, seeking withdrawal of the amount deposited by the acquiring body in this court in the First Appeal filed by the acquiring body, challenging the judgment and award dated 18.01.2023, passed by learned C.J.S.D. Omerga, in LAR No.233 of 2013.

2. It is submitted by both sides that pursuant to the order dated 25.11.2024, passed by this Court while issuing stay, the

acquiring body has deposited 75% of the award amount in this court. This application is filed for withdrawal of the said amount.

3. Mr.L.C.Patil, learned counsel for the applicant, places on record a copy of the order passed by this Court in **Civil Application No.13234 of 2024 in FAST no.23645 of 2021 (Jahagir Hussain Madar Hussain Vs. State of Maharashtra and ors.) and with connected matters, decided on dated 17.12.2024.** Mr.Patil submits that vide the said order, this court has permitted the applicants therein to withdraw 75% of the amount deposited with accrued interest, on furnishing usual undertaking; and remaining 25% of the amount along with accrued interest, on furnishing solvent surety/security. He would further submit that the subject - matter, i.e. the land acquisition proceedings and the award, in the cited matters, are the same, which is the subject matter of the present First Appeal also. He would further submits that the grounds raised in the present appeal and the cited matter, are one and the same. He, therefore, prays for allowing the present application.

4. Ms.Shelke, learned counsel for the acquiring body, fairly accepts the position, as has been submitted by learned counsel for the applicant. She would, however, reserves her right to contest the appeal on merit.

5. In view of the above, I deem it appropriate to pass the following order:-

(i) The Civil Application is partly allowed.

(ii) The applicants are permitted to withdraw 75% of the amount deposited along with interest accrued thereon, on furnishing usual undertaking; and 25% of the amount deposited along with interest accrued thereon, on furnishing solvent surety/security to the satisfaction of learned Registrar (Judicial).

Application for Stay:-

6. The Civil Application for stay to the execution and operation of the impugned judgment and award is allowed in terms of prayer clause (B). Stay granted earlier is made absolute.

Appeal:-

7. Issue notice to the respondents. Mr.L.C.Patil, learned counsel waives notice for the respondents.

8. Office objections be removed within two weeks, failing which the matter shall stand dismissed automatically without reference to the court.

[AJIT B. KADETHANKAR, J.]

KBP