

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

916 CIVIL APPLICATION NO. 4450 OF 2025
IN FA/2458/2019

Gopinath Hiraji Jadhav (died) Lrs Ramabai And Ors

Versus

The State Of Maharashtra Thr. The Collector Osmanabad And Ors.

.....
AND

918 CIVIL APPLICATION NO. 4503 OF 2025
IN FA/2199/2019

Abu Poma Rathod

VERSUS

The State Of Maharashtra Thr The Collector, Osmanabad And Ors

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Shri. Laxmikant C. Patil, Advocate for Applicants in both the Applications.

Shri. D. J. Patil & Shri. Rajdeep D. Raut, AGPs for the Respondent / State in the respective matters.

Shri. Mukul S. Kulkarni, Advocate for Respondent No.1 in CA No.4450/2025 and for Respondent No.3 in CA No.4503/2025

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CORAM : NEERAJ P. DHOTE, J.

Dated : MAY 08, 2025

PER COURT :-

. These are the Applications by the Claimants for withdrawal of the remaining 35% amount deposited by the Acquiring Body with the Office of this Court.

2. It is submitted by the learned Advocate for the Applicants that the Acquiring Body has deposited the entire amount under the Award and the Applicants in these Applications have already withdrawn total 65%

of the amount deposited by the Acquiring Body. He submits that remaining 35% amount remains with this Court and the Applicants are ready to furnish Solvent Surety / Security against withdrawal of the said remaining amount. He submits that, this Court in similar matters i.e. in Civil Application No.6170 of 2024 in First Appeal No.2657 of 2019 and in Civil Application No.4126 of 2025 in First Appeal No.348 of 2019 and other two Applications, have permitted the similarly placed Claimants to withdraw the remaining amounts against Solvent Surety / Security and hence, the Applications may be allowed.

3. The Applications are vehemently opposed by the learned Advocate for the Acquiring Body. He submits that, this Court had considered Surety / Security / Bank Guarantee at the time of last withdrawal. He submits that, this amounts to review of the said order and therefore, the Application may be rejected.

4. On hearing both the sides and considering the aspect that, similarly placed Claimants were permitted to withdraw the remaining amount deposited by the Acquiring Body along with interest accrued thereon against furnishing Solvent Surety / Security, the same course will have to be adopted in these Applications on the ground of parity and hence, the order.

ORDER

(i) The Applications are allowed in terms of prayer clause 'B' thereof.

(ii) The Applicants are permitted to withdraw the remaining amount along with the interest accrued thereon, on furnishing Solvent Surety / Security / Bank Guarantee to the satisfaction of the learned Registrar (Judicial) of this Court.

(iii) Applications stand disposed off.

(NEERAJ P. DHOTE, J.)

GGP