

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

**918 CIVIL APPLICATION NO. 13562 OF 2023  
IN  
FIRST APPEAL NO. 1064 OF 2019**

Trimbak Govindrao Kekan & Ors.

...**Applicants**

**Versus**

The Executive Engineer, Beed Irrigation Division,  
Head Quarter at Ambajogai, Dist. Beed & Anr.

...**Respondents**

.....  
Mr. Santosh Sampatrao Jadhavar – Advocate for the Applicants  
Mr. Mahesh C. Swami – Advocate for Respondent No. 1  
Mr. R. D. Raut – AGP for Respondent No. 2 / State  
.....

**AND  
CIVIL APPLICATION NO. 9482 OF 2023  
IN FA/1064/2019**

Sudamati Namdeo Kekan And Another

**VERSUS**

Namdeo Govindrao Kekan And Ors

...  
Mr. V. M. Chate - Advocate for Applicant  
Mr. R. D. Raut - AGP for Respondent/State  
Mr. Mahesh C. Swami - Advocate for Respondent No. 4  
...

**CORAM : NEERAJ P. DHOTE, J.  
DATED : 06<sup>TH</sup> MAY 2025**

**PER COURT : -**

1. This is an Application by the Original Claimants i.e. Trimbak, Namdeo and Tulshiram for withdrawal of remaining amount deposited by the Acquiring Body in this Court with interest accrued

thereon. The claimant, by name, Kalawati is no more and the said three Applicants are her sons.

2. It is submitted by the learned Advocate for the Applicants that the Acquiring Body has deposited just 50% amount under the Award along with interest. He submits that, this Court vide order dated 22.04.2025 passed in Civil Application No. 13591 of 2023 and other connected Civil Applications, permitted the similarly placed Claimants to withdraw the entire 50% amount along with Interest accrued thereon deposited by the Acquiring Body. He submits that, this Court had permitted some of the Claimants to withdraw entire amount deposited by the Acquiring Body along with interest accrued thereon. He submits that the Applicants are ready to furnish Solvent Security / Surety / Bank Guarantee against the withdrawal of remaining amount with interest accrued thereon.

3. Learned Advocate Mr. Mahesh C. Swami appearing for the Acquiring Body though opposes the Application, he does not dispute the aforesaid submissions made by the learned Advocate for the Applicants.

4. Learned Advocate Mr. V. M. Chate appearing for the Intervenors in Civil Application No. 9482 of 2023 submits that this Intervention Application is by the Wife and Daughter of Applicant No. 2

– Namdeo Govindrao Kekan. He submits that, the matrimonial dispute is going on between the Intevenors and Applicant No. 2 – Namdeo in the Competent Court and Civil Suit for Partition filed by them is pending. He submits that the Application to the extent of Applicant No. 2 – Namdeo may not be allowed.

5. In view of the above undisputed aspect that, the amount deposited by the Acquiring Body is 50% of the amount under the Award. This Court vide order dated 22.04.2025 passed in Civil Application No. 13591 of 2023 and other connected Civil Applications has permitted the similarly placed Claimants to withdraw 50% amount i.e. deposited by the Acquiring Body, and remaining 50% amount is secured with Acquiring Body. Thus, I do not see any impediment to allow the Application to the extent of Applicant No. 1 – Trimbak and Applicant No. 3 – Tulshiram. Hence, the following order : -

### **ORDER**

- [i] Civil Application No. 13562 of 2023 is allowed to the extent of Applicant No.1–Trimbak and Applicant No.3–Tulshiram to the extent of their share.
- [ii] The withdrawal by Applicant No. 1 – Trimbak and Applicant No. 3 – Tulshiram is permitted on furnishing Solvent Security / Surety / Bank Guarantee to the satisfaction of the Registrar (Judicial) of this Court.
- [iii] The share of amount of Applicant No. 2 – Namdeo be kept

in Fixed Deposit Receipt [FDR] in any nationalized Bank on yearly renewal basis until further orders.

- [iv] The Application for Intervention i.e. Civil Application No. 9482 of 2023 will be considered at the time of hearing of the Appeal.

**[NEERAJ P. DHOTE]**  
**JUDGE**