



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

**CIVIL APPLICATION NO. 12080 OF 2025
IN
FIRST APPEAL NO. 3672 OF 2023**

Dnyandev Bali More Died Through
his Lrs Vitthal Dnyandev More Died
Through Lrs Prabhavati and others .. Applicants

Versus

The State of Maharashtra, through
District Collector Osmanabad and others.. Respondents

Shri Pravin B. Rakhunde, Advocate for the Applicants.
Shri S. V. Hange, A.G.P. for the Respondent Nos. 1 and 2.

**CORAM : SHAILESH P. BRAHME, J.
DATE : 13TH NOVEMBER, 2025.**

FINAL ORDER :

. Heard both sides.

2. Applicants seek withdrawal of amount of Rs. 52,32,787/- deposited by the respondent – acquiring body. My attention is adverted to the observations of the Reference Court in paragraph No. 13 of the impugned judgment to buttress that applicants are entitled to receive withdrawal of 100% of the amount deposited on certain conditions and on furnishing undertaking.

3. It is submitted that in similarly situated matters Reference Court awarded rate of Rs. 96,000/- per acre considering the sale instances and the compensation was deposited in execution

Court in those matters. It is canvassed that the compensation awarded is reasonable and cannot be faulted *prima facie*.

4. Learned A. G. P. opposes the application. It is contended that there is every hope of success in the first appeal and at the threshold if entire amount is disbursed, it would be very difficult to recover the amount.

5. Considering rival submissions of the parties, I find substance in the submissions of the learned counsel for the applicants. I have gone through observations recorded in para No. 13 of the impugned judgment. However 100% withdrawal on furnishing undertaking only cannot be countenanced.

6. Ends of justice would be met in permitting the applicants to receive 80% of the amount deposited on furnishing undertaking and 20% of the amount deposited on furnishing solvent surety/security.

7. The civil application is partly allowed permitting the applicants to receive 80% of the amount deposited with accrued interest on furnishing undertaking and 20% of the amount deposited with accrued interest on furnishing solvent security/surety to the satisfaction of the Registrar (Judicial) of this Court. The civil application is disposed of.

[SHAILESH P. BRAHME J.]