



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

**CIVIL APPLICATION NO. 12376 OF 2025
IN FA/2236/2021**

Sandipsingh Rajendrasingh Pardeshi And OthersApplicants

VERSUS

District Collector, Jalgaon And OthersRespondents

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Mr. A.B. Kale, Advocate for Applicants

Mrs. V.S. Chaudhari, AGP for State

Mr. S.S. Chillarge, Advocate for respondent No. 3 and 4

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**CORAM : NITIN B. SURYAWANSHI AND
VAISHALI PATIL JADHAV, JJ.**

DATE : 02nd DECEMBER, 2025

ORDER :

1. By this application applicants seek withdrawal of amount of compensation deposited by the Acquiring Body.
2. Earlier Civil Application No. 1586 of 2025 was filed by applicants, which was allowed by order dated 11.07.2025 and applicants were permitted to withdraw entire 50% deposited amount along with accrued interest i.e. 40% on furnishing usual undertaking and 10% on furnishing solvent surety/security to the satisfaction of learned Registrar (Judicial) of this Court. By order dated 01.10.2025, said order was recalled when it was revealed that application was

sworn by Applicant No. 1, who is suffering from mental ailment.

3. Present application is sworn and filed by Applicant No. 2, General Power of Attorney Holder of Applicant No. 1. General Power of Attorney as well as agreement dated 28.01.2009 executed between Applicant No. 1 and Applicant No. 2 is placed on record. By this agreement, Applicant No. 2 has taken the land of Applicant No. 1 for cultivation of fruit bearing trees and has made improvements in the said land. In clause no. 7 it is stated that Applicant No. 2 would be entitled to take 50% of the amount of enhanced compensation towards fruit bearing trees. Close blood relatives of Applicant No. 1 are consenting party to the said agreement.

4. It is a matter of record that reference was filed by Applicant No. 1 through Applicant No. 2. In the Reference Court, Applicant No. 2 had contested the matter on behalf of Applicant No. 1. In the evidence affidavit Applicant No. 1 has stated that she had entered into an agreement dated 28.01.2009 with the Applicant No. 2 and pursuant to said agreement her name is entered into other rights column of 7/12 extract.

5. The Acquiring Body by filing affidavit in reply has opposed the application. It is stated that original award is passed in favour of

Applicant No. 1 only and exorbitant enhancement is awarded by the Reference Court.

6. Taking into consideration the statements made in the application and the aforesaid peculiar facts of the case and the fact that similarly situated claimants are permitted to withdraw the compensation amount, as we have observed in the earlier order dated 11.07.2025, present civil application deserves to be partly allowed.

7. In the result, application is partly allowed.

8. Out of deposited amount of compensation, Applicant No. 2 is permitted to withdraw 50% of the amount falling to her share along with proportionate accrued interest, i.e. 25% on furnishing solvent surety/security to the satisfaction of learned Registrar (Judicial) of this Court and 25% on furnishing usual undertaking.

9. Civil Application stands disposed of.

(VAISHALI PATIL JADHAV, J.)

(NITIN B. SURYAWANSHI, J.)