

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

929 CIVIL APPLICATION NO.12564 OF 2025
IN FA/2237/2019

Shivling Rama Mule And Ors.

VERSUS

The State of Maharashtra
Through The Collector, Osmanabad And Ors.

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Shri. Laxmikant C. Patil, Advocate for Applicants
Shri. B. A. Shinde, AGP for Respondent Nos.1 and 2– State.
Shri. S. B. Parnere, Advocate for the Respondent No.3

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CORAM : NEERAJ P. DHOTE, J.

Dated : NOVEMBER 27, 2025

PER COURT :-

1. This is the Application filed by the Applicants / Original Claimants for withdrawal of the remaining 30% amount deposited by Respondent No.3 - Acquiring Body with this Court.

2. Heard the learned Advocate for the Applicants / Original Claimants, the learned AGP for Respondent Nos.1 and 2 and the learned Advocate for Respondent No.3 - Acquiring Body.

3. The learned Advocate for the Applicants submits that, in other matters, wherein the Acquiring Body is the same, this Court, in Civil Application No.6490/2024 in First Appeal No.3869/2019, has permitted withdrawal of the remaining 25% amount on furnishing solvent surety / security by the Applicants to the satisfaction of the learned Registrar

[Judicial] of this Court. He submits that, the Applicants are ready to furnish solvent surety / security against withdrawal. He, therefore, submits that, the Application be allowed.

4. The Application is vehemently opposed by the learned Advocate for Respondent No.3 - Acquiring Body. He submits that, this Court has already permitted the Applicants to withdraw 70% of the amount, and if the remaining 30% is allowed to be withdrawn, nothing would remain in the Appeal. He submits that, the Appeal be heard finally and the Application may not be considered.

5. The learned AGP for Respondent Nos.1 and 2 supports the contention of the learned Advocate appearing for Respondent No.3 – Acquiring Body.

6. The acquisition is of 1999. The Appeal is of 2019. The similarly placed Claimants are permitted to withdraw entire amount under the Award deposited by the Acquiring Body in the above referred Appeal. The Applicants are ready to furnish solvent surety / security against withdrawal of the balance 30% amount. In this view of the matter, I proceed to pass the following order :

ORDER

(i) Civil Application is allowed in terms of Prayer Clause - 'B',

subject to the condition that, the Applicants shall furnish solvent surety / security against the withdrawal of the amount to the satisfaction of the learned Registrar [Judicial] of this Court.

(ii) Civil Application is disposed off accordingly.

(NEERAJ P. DHOTE, J.)

GGP