



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

**CIVIL APPLICATION NO. 13786 OF 2025
IN
FIRST APPEAL STAMP NO. 12409 OF 2024**

Allanoor Maula Khonde .. Applicant

Versus

The Executive Engineer Osmanabad
Minor Irrigation Division Osmanabad
and others .. Respondents

Shri Shaikh Shoyab Mohammad Israil, Advocate for the
Applicant.

Shri M. C. Swami, Advocate for the Respondent No. 1.

Mrs. M. N. Ghanekar, A.G.P. for the Respondent Nos. 2 and 3.

CORAM : SHAILESH P. BRAHME, J.

DATE : 17TH DECEMBER, 2025.

FINAL ORDER :

. Heard both sides.

2. Applicant seeks withdrawal of amount of Rs. 1,06,52,474/- deposited by the acquiring body. It is submitted that in similarly situated matter, this Court permitted to withdraw 65% of the amount deposited vide order dated 20.06.2023 on furnishing undertaking.

3. Application is contested by the acquiring body on the ground that enhancement is more than 50%. In absence of any

evidence the dry land has been treated to be irrigated land.

4. Considering objection raised by the respondent – acquiring body it is desirable to permit the applicant to withdraw amount 50% of the amount of compensation deposited with accrued interest on furnishing undertaking to the satisfaction of the Registrar (Judicial) of this Court. Balance amount shall be deposited in any nationalized bank. The civil application is disposed of.

5. The applicant – claimant shall be at liberty to withdraw the execution petition for partial satisfaction for being satisfied partially and in that case he shall be at liberty to file execution for remaining amount in future if so required.

[SHAILESH P. BRAHME J.]

bsb/Dec. 25