

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

30 CIVIL APPLICATION NO.13268 OF 2025
IN FA/1151/2020

Kalyan Digambar Ghogare (died)
Thr LRs Indubai and Ors.

... Applicants

Versus

The Executive Engineer,
Minor Irrigation Division,
Osmanabad And Anr.

... Respondents

.....

Shri. P.V. Khiste, Advocate for the Applicants
Shri. B. A. Shinde, AGP for the Respondent – State.
Ms. Sunita D. Shelke, Advocate for the Respondent No.1

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CORAM : NEERAJ P. DHOTE, J.

Dated : DECEMBER 08, 2025

PER COURT :-

. This is the Application for withdrawal of the remaining amount deposited by the Acquiring Body in this Court.

2. The Acquiring Body has preferred the First Appeal against the enhanced compensation awarded by the learned Reference Court. In the Appeal, the Acquiring Body has deposited the entire amount under the Award. This Court in Civil Application No.4135 of 2021 by order dated 12.07.2021 has permitted the Applicants to withdraw 60% of the amount on furnishing undertaking.

3. It is submitted by the learned Advocate for the Applicants that, the learned Reference Court in another Land Acquisition Reference bearing No.381/2010 arising out of the same Notification and for the same purpose has granted the compensation @ Rs.6,500/- per Are and in the case at hand, the enhancement is of Rs.4,000/- per Are. He

submits that, daughter of the Applicant No.1, who is the sister of Applicant No.2, is getting married and therefore, the Applicants require amount and submits that the Application be allowed.

4. The Application is opposed by the learned Advocate for the Acquiring Body. She submits that, already this Court has permitted 60% amount to be withdrawn and if the Applicants is permitted to withdraw the remaining amount, nothing would survive in the Appeal.

5. After hearing both the sides and considering that higher rate of compensation is granted in connected Reference as mentioned above, the Applicants can be allowed to withdraw 20% amount of the remaining amount, along with the interest accrued thereon, on furnishing regular Undertaking. Hence, the following order is passed.

ORDER

- (a) The Application is partly allowed.
- (b) The Applicants are permitted to withdraw 20% amount of the remaining amount, along with interest accrued thereon, deposited by the Acquiring Body on furnishing regular Undertaking.
- (c) The remaining 20% amount along with interest accrued thereon, be deposited in Fixed Deposit in any Nationalized Bank initially for a period of two (2) years and if required, the same be renewed from time to time.
- (d) The Application stands disposed off.

(NEERAJ P. DHOTE, J.)

GGP