

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

**36 CIVIL APPLICATION NO. 13208 OF 2025
IN FA/1140/2019**

Hiraji Nagoji (died) Thr Lrs Tarabai And Ors
VERSUS
The State Of Maharashtra Through Collector

.....
Mr. Shaikh Kayyum Najir, Advocate for the Applicants
Mr. A. D. Wange, AGP for Respondent No.1 - State
Mr. M. N. Navandar, Advocate for Respondent No.2

.....
WITH

FIRST APPEAL NO. 1140 OF 2019

Marathwada Krishi Vidyapeeth Parbhani Thr Its Registrar
VERSUS

Hiraji Nagoji (died) Thr Lrs Tarabai And Ors

....
Mr. M. N. Navandar, Advocate for the Appellant
Mr. A. D. Wange, AGP for Respondent No.4
Mr. Shaikh Kayyum Najir, Advocate for Respondent Nos.1 to 3

....
CORAM : NEERAJ P. DHOTE, J.
DATE : 01.12.2025

PER COURT :

[I] Order in First Appeal No.1140 / 2019 :

1. It is submitted by the learned Advocate for the Claimants that, Tarabai Wd/o Hiraji Salve, the Original Claimant, also died during the pendency of the Appeal. The death certificate is enclosed with the Application for withdrawal of the amount. The son and daughter of the Original Claimant are already on record in the Appeal.

2. In view of the above, leave to amend the Appeal Memo to the extent of Tarabai. The amendment be carried out forthwith.

[III] Order in Application No.13208/2025 :-

1. This is Application by the LRs of the Original Claimant for withdrawal of the entire amount deposited by the Acquiring Body to the extent of Rs.1,03,29,773/- with interest accrued thereon.
2. Heard the learned Advocate for the Applicants and the learned Advocate for the Acquiring Body.
3. My attention is drawn to the order dated 05/10/2018 passed by the Division Bench in Civil Application No.12356/2018 in First Appeal No.1186/2018, arising out of the same acquisition, wherein, the Claimants therein were permitted to withdraw 50% of the amount deposited by the Acquiring Body, along with accrued interest. There is no dispute in respect of the said order of the Division Bench.
4. Hence, the Application is allowed in terms of the said order. The Applicants are permitted to withdraw 50% of the amount deposited by the Acquiring Body, along with interest accrued thereon, subject to furnishing an undertaking before the learned Registrar [Judicial] of this Court.
5. The remaining 50% amount be invested in fixed deposit in any nationalized Bank initially for a period of three [03] years, to be renewed thereafter from time to time.
6. Civil Application stands disposed of accordingly.

[NEERAJ P. DHOTE, J.]