



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

**CIVIL APPLICATION NO. 10445 OF 2025
IN FA/2032/2025**

Babasaheb Karbhari Nagargoje And Ors

VERSUS

The State Of Maharashtra And Anr

WITH

CIVIL APPLICATION NO. 13963 OF 2024 IN FA/2032/2025

...

Mr. S. R. Shirasath, Advocate for Applicants

Mr. S. V. Hange, AGP for Respondents-State

WITH

CIVIL APPLICATION NO. 10446 OF 2025 IN FA/2030/2025

Yamunabai Chandar Nagargoje And Ors

VERSUS

The State Of Maharashtra And Anr

WITH

CIVIL APPLICATION NO. 13961 OF 2024 IN FA/2030/2025

WITH

CIVIL APPLICATION NO. 10444 OF 2025 IN FA/2033/2025

Malhari Mahadu @ Mahadu Nagargoje

VERSUS

The State Of Maharashtra And Anr

WITH

CIVIL APPLICATION NO. 13965 OF 2024 IN FA/2033/2025

WITH

CIVIL APPLICATION NO. 10443 OF 2025 IN FA/2031/2025

Ashruba Ramrao Nagargoje And Ors

VERSUS

The State Of Maharashtra And Anr

WITH

CIVIL APPLICATION NO. 13967 OF 2024 IN FA/2031/2025

.....

CORAM : AJIT B. KADETHANKAR.

DATED : 24TH SEPTEMBER, 2025

ORDER :-

. All these applications are filed by the respective claimants seeking withdrawal of the awarded amount granted by the learned Reference Court in following judgment and awards:

Sr. No.	C.A. No.	F.A. No.	L.A.R. No.	Authority and Date of judgment and award
1	10445/2025	2032/2025	256/2015	Civil Judge, Senior Division, Beed Dated: 02.01.2023
2	10446/2025	2030/2025	28/2007	
3	10444/2025	2033/2025	319/2016	
4	10443/2025	2031/2025	318/2016	

2. While securing stay to the execution and operation of the judgment and awards impugned in the First Appeals, the Acquiring Body has deposited the entire payable award amount in this Court together with accrued interest thereon. On this backdrop, the present Civil Applications are moved by the respective original claimants seeking permission to withdraw the amount deposited by the Acquiring Body.

3. Mr. S. R. Shirsath, learned Advocate for the applicants would submit that the sole source of livelihood of the claimants has been acquired by the Acquiring Body under compulsory acquisition. He further submits that the

assessment of loss and assessment of entitlement has been considered by the learned Reference Court after examining the evidence on record and facts of the case. With this, it is prayed to allow the applicants to withdraw the entire award amount.

4. Mr. S. V. Hange, learned AGP appearing for the Acquiring Body however strongly opposes the withdrawal of entire amount deposited by the Acquiring Body. He would further submit that there is strong merit in the appeal and the enhancement is excessively granted by the learned Reference Court taking departure to the parameters of the enhancement as has been defined by this Court as well as by the Hon'ble Supreme Court from day to day. Mr. S. V. Hange, learned AGP would lastly submit that if the application is allowed, the interest of the appellant would be seriously prejudiced.

5. Upon having heard the parties at length, I am of the considered view that it is not disputed that the land of the claimants/applicants is acquired by the Acquiring Body. It is also not disputed that the claimants are entitle for some compensation against the acquisition. The only issue is of the

quantum of compensation, which is decided by the learned Reference Court. It is true that the appellant/Acquiring Body has full legitimate right to demonstrate how the enhancement is erroneously granted resulting into exaggerated compensation.

6. Today award stands in favour of the claimants. In view of this, I pass following order:

ORDER

- a. Civil Applications stand partly allowed.
- b. Applicants in respective Civil Applications are permitted to withdraw 50 percent of the total deposited amount alongwith accrued interest thereon by furnishing usual undertaking and 25 percent on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this Court.
- c. balance 25 percent amount be kept in fixed deposit in any nationalized bank.
- d. In above terms, Civil Applications stand disposed of.

CIVIL APPLICATION NO. 13963 OF 2024 IN FA/2032/2025 (STAY)
CIVIL APPLICATION NO. 13961 OF 2024 IN FA/2030/2025 (STAY)
CIVIL APPLICATION NO. 13965 OF 2024 IN FA/2033/2025 (STAY)
CIVIL APPLICATION NO. 13967 OF 2024 IN FA/2031/2025 (STAY)

. In view of the fact that the Acquiring Body/appellant have deposited the entire payable award amount in this Court together with accrued interest thereon, stay granted earlier is made absolute.

2. Civil Applications stand allowed in terms of prayer clause 'B'.

APPEALS

. Issue notice to the respondents. Mr. S. R. Shirsath, learned Advocate waives service of notice for respondents/claimants.

2. Admit.

(AJIT B. KADETHANKAR, J.)