

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

**938 CIVIL APPLICATION NO. 13725 OF 2025
IN FA/2213/2019**

Raju Ratan Mirge

VERSUS

The Executive Engineer, Irrigation Project Division Jalna Thr G.m.i.d.c.,
Aurangabad And Ors.

AND

**940 CIVIL APPLICATION NO. 13727 OF 2025
IN FA/2212/2019**

Vankar Yadavrao Padol And Ors

VERSUS

The Executive Engineer, Irrigation Project Division Jalna Thr G.m.i.d.c.,
Aurangabad And Ors.

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Mr. Nirmal Ramchandra J., Advocate for Applicant/s in both Applications
Ms. M. L. Sangit, AGP for Respondent No.1 – State in CA No.13725/2025
Mr. B. A. Shinde, AGP for Respondent No.1 – State in CA No.13727/2025
Ms. Vaishali S. Swami h/f Mr. Mahesh C. Swami, Advocate for Respondent
No.3 – Acquiring Body in both Applications

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CORAM : NEERAJ P. DHOTE, J.

DATE : 12.12.2025

PER COURT :

1. These are the Applications for withdrawal of the remaining 50% amount deposited by the Acquiring Body under the Award.
2. There is no dispute that, this Court allowed the Applicants to withdraw 50% amount by order dated 11/10/2019. Now, on the basis of the orders enclosed with these Applications passed by this Court in connected Appeals, arising out of the same acquisition, the Applicants pray for withdrawal of remaining 50% amount along with interest accrued thereon.

3. The Applications are opposed by the learned Advocate for the Acquiring Body. She submits that, the exorbitant compensation is enhanced by the learned Reference Court. She further submits that, the valuation of the trees was done by the private valuer. She submits that, the Applications be rejected.

4. The Copy of the order dated 10/10/2023 at Page No.9 of the Applications, passed in group of Applications, one of which is Civil Application No.10384/2023 in First Appeal No.2751/2023 show that, this Court has permitted the Applicants / Claimants therein to withdraw 90% of the amount under the Award along with interest, subject to furnishing undertaking to the satisfaction of the learned Registrar (Judicial) of this Court and 10% of the amount under the Award along with interest, subject to furnishing Solvent Security / Surety. There is no dispute that, those Applicants are similarly placed as that of the present Applicants. It is also not in dispute that, the said Applications were in the connected Appeals arising out of the same Award. Hence, the Applications are allowed in the following terms;

5. The Applicant/s are permitted to withdraw the remaining 50% of the amount deposited by the Acquiring Body under the Award, subject to furnishing regular undertaking for 90% of the amount along with interest accrued thereon to the satisfaction of the learned Registrar (Judicial) of this

Court, and subject to furnishing Solvent Security / Surety for 10% of the amount along with interest accrued thereon

6. Civil Applications stand disposed off accordingly.

[NEERAJ P. DHOTE, J.]

Sameer/December-2025