



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

82 CIVIL APPLICATION NO. 878 OF 2024
IN FA/397/2022

DNYANDEO S/O LIMBAJI ANDHALE
VERSUS
THE EX. ENGINEER, IRRIGATION DIV. BEED AND ORS

AND

86 CIVIL APPLICATION NO. 13211 OF 2025
IN FA/396/2022

PRABHAKAR S/O KISANRAO KULKARNI AND ORS
VERSUS
THE EX. ENGINEER, IRRIGATION DIV. BEED AND ORS

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Advocate for Applicants in both : Mr. Kedar Shrimant R.
AGP for Respondent/s-State in both : Mr. N. R. Dayma.
Advocate for Respondent No.1 in both : Mr. S. W. Munde.

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CORAM : SHAILESH P. BRAHME, J.
DATE : 18.12.2025

PER COURT :-

1. Heard learned counsels for respective parties.
2. Applicants are approaching this Court on 3rd occasion seeking withdrawal of amount. On first occasion, they were permitted to withdraw 50% on furnishing undertaking vide order dated 11.08.2023. On second occasion, their application seeking withdrawal of balance amount was rejected on 26.04.2025. In view of the order dated 21.04.2025 passed in collateral proceedings, they were again seeking withdrawal of

the amount. The acquiring body has deposited 75% only of the amount with accrued interest.

3. Learned counsel Mr. Munde for the acquiring body vehemently opposes and submits that the enhancement by the Reference Court is not only exorbitant but arbitrary. If the amount is disbursed, then it is very difficult to recover the same. The acquiring body has every hope of success in the first appeal. After suffering rejection of the applications on earlier occasion, it is inappropriate to permit the applicants to withdraw the amount.

4. The applicants have already received 50% of the amount with accrued interest on furnishing undertaking. Their claim is for balance amount which is lying with this Court. The Co-ordinate Bench has permitted the claimants in similar circumstances to receive the balance amount i.e. 25% of the deposited amount. This Court has withheld 25% of the amount from the disbursement considering the apprehension expressed by the respondent/acquiring body. I find it fit to permit the applicants to receive 50% with accrued interest on furnishing solvent surety/security.

5. Civil applications are allowed partly permitting the applicants to receive balance amount deposited in this Court with accrued interest on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court.

(SHAILESH P. BRAHME, J.)

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vmk/-