



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

**CIVIL APPLICATION NO. 13752 OF 2025
IN
FIRST APPEAL NO. 2672 OF 2025**

Supadushah Habib Fakira
Since deceased through his L.Rs.
Shamshadbee Supadu Shah and others .. Applicants

Versus

The Executive Engineer M. I. W.
Jalgaon and others .. Respondents

Shri Ajeet B. Kale, Advocate for the Applicants.
Shri S. S. Chillarge, Advocate for the Respondent No. 1.
Shri N. R. Dayma, A.G.P. for the Respondent No. 2.

**CORAM : SHAILESH P. BRAHME, J.
DATE : 19TH DECEMBER, 2025.**

FINAL ORDER :

. Heard both sides.

2. Applicants seek to withdraw amount of Rs. 1,57,84,308/- deposited by the respondent – acquiring body. Learned counsel for the applicants submits that respondent No. 1 – acquiring body has deposited the amount in piece-meal, when stay was granted on condition of deposit of entire amount of compensation with accrued interest. It is submitted that impugned judgment is of the year 2019 and there is unexplained delay in complying the order. The claimants are the sufferers. It is further

submitted that the approach of the acquiring body is discriminatory in the present matter because in similarly situated matters though acquiring body acquiesced with the enhancement or withdrawn the appeal. It is submitted that applicants are entitled to receive entire amount deposited with accrued interest. It is further submitted that there is no challenge to the extent of amount of compensation to the land. In case of compensation awarded towards trees the Reference Court was reasonable while awarding compensation.

3. Per contra, learned counsel Mr. Chillarge appearing for the acquiring body repels the submissions stating that the enhancement was very huge and arbitrary. All grounds on merits have been taken to challenge the award, albeit, in initial order learned Judge referred to the challenge in respect of interest. It is submitted that already applicants were disbursed amount of Rs. 98,10,243/-.

4. I have considered rival submissions of the parties. It is admitted position that claimants were disbursed with amount of Rs. 98,10,243/-. The acquiring body was directed to deposit entire amount of compensation with accrued interest, which was not complied with in time. However, the deposit of Rs. 1,57,84,308/- is balance, albeit, belatedly. The submissions regarding discrimination at the hands of the acquiring body can be dealt with in the course of hearing on merits of the appeal. Applicants are entitled to receive the amount considering the

conduct of the respondents. Considering the overall compensation awarded by the Reference Court, it would be appropriate to permit the applicants to receive 80% of the amount deposited with accrued interest on furnishing undertaking to the satisfaction of the Registrar (Judicial) of this Court. Balance amount shall be invested in any nationalized bank. The civil application is disposed of.

5. The applicant – claimant shall be at liberty to withdraw the execution petition for partial satisfaction for being satisfied partially and in that case they would be at liberty to file execution petition for remaining amount in future if so required.

[SHAILESH P. BRAHME J.]

bsb/Dec. 25