

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

35 CIVIL APPLICATION NO. 13774 OF 2025
IN FA/1178/2020

Dhondiba Tulshiram Survase (died) Thr Lrs. Sunita And Others.

VERSUS

The State Of Maharashtra Through The Collector Osmanabad And Ors.

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Mr. Laxmikant C. Patil - Advocate for Applicant

Mrs. A. S. Deshmukh - AGP for State

Ms Sunita D. Shelke h/f Mr. Gulab B. Rajale - Advocate for Respondent
No. 3

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CORAM : NEERAJ P DHOTE, J.

DATED : 15TH DECEMBER, 2025

PER COURT : -

1. This is an Application by the Original Claimants / Respondents in the Appeal filed by the Acquiring Body, for withdrawal of the remaining amount deposited by the Acquiring Body along with interest accrued thereon.

2. It is submitted by the learned Advocate for the Applicants / Claimants that this Court had permitted the Applicants / Claimants to withdraw 75% amount by order dated 1st March, 2022, which reads as under : -

"ORDER

(i) The applicants/claimants are permitted to withdraw 50% of the amount with accrued interest thereon on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.

(ii) The applicants are further permitted to withdraw 25% of the amount with accrued interest thereon on furnishing solvent security/surety to the satisfaction of the Registrar (Judicial) of this Court.

(iii) Remaining 25% of the amount shall be deposited in fixed deposit account in any nationalized bank for a period of one year with clause of renewal.”

3. He submits that the Applicants be permitted to withdraw the remaining amount along with interest accrued thereon and Applicants are ready to furnish solvent security / surety against the said withdrawal. He submits that in the similar matters arising out of the same project, this Court by order dated 27.03.2025 passed in Civil Application Nos. 6416 of 2024 in First Appeal No. 3865 of 2019 and connected Applications, and by order dated 8th April, 2025 passed in Civil Application No. 3360 of 2025 in First Appeal No. 3319 of 2017 and connected Applications, permitted the Applicants therein to withdraw the remaining amount. This Court in connected Appeals by order dated 25th April, 2025 in Civil Application No.4359 of 2025 in FA/1179/2020, has granted similar prayers.

4. The aforesaid position is not disputed by the learned Advocate for the Acquiring Body and learned AGP for the State.

5. In view of the above undisputed factual aspects, the Application is allowed in terms of prayer clause ‘B’ thereof. The Applicants shall furnish solvent security / surety against the said

withdrawal of remaining amount to the satisfaction of the Registrar (Judicial) of this Court.

6. Application stands disposed off.

[NEERAJ P. DHOTE]
JUDGE

SG Punde