



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

959 CIVIL APPLICATION NO. 9769 OF 2025 (withdrawal of amount)
IN FAST/38075/2023

Namdev S/o Ratan Jadhav And Ors
VERSUS
The Executive Engineer, Development Corporation And Ors

WITH
CIVIL APPLICATION NO. 9817 OF 2025
IN FAST/38075/2023

WITH
CIVIL APPLICATION NO. 15331 OF 2023
IN FAST/38075/2023

WITH
CIVIL APPLICATION NO. 15332 OF 2023
IN FAST/38075/2023

WITH
CIVIL APPLICATION NO. 7176 OF 2025
IN FAST/38075/2023

Mr.R.V.Gore, Advocate for claimants
Ms.Priya Khandelwal, Advocate h/f. Mr.Anand Chawre, Advocate for
respondent no.1
Mr.S.S.Dande, AGP for respondent nos.2 and 3

CORAM : AJIT B. KADETHANKAR, J.
DATE : SEPTEMBER 25, 2025

ORDER :-

IN C.A. NO.7176 OF 2025 IN F.A. ST. NO.38075/2023
AND
IN C.A. No.15332 of 2023 in F.A. ST. NO.38075/2023

1. Learned counsel for the acquiring body submits that the acquiring body has deposited the entire payable award amount in this court together with the interest accrued thereon. It is, however, submitted that although it was mandatory vide order dated 13.02.2024 of this court, to make such deposit within eight weeks from that date, there had been a bit delay in depositing the amount. It is further submitted that the amount is, however, deposited in this court.

2. Since the amount, as directed vide order dated 13.02.2024 has been deposited, the stay granted earlier to continue till disposal of the First Appeal. Civil Application No.15332 of 2023 for grant of stay stands disposed of. Civil Application No.7176 of 2025 also stands disposed of.

C.A. No.9817/2025 (for withdrawal of amount):-

3. Mr.Sonkawade, learned counsel for the applicants, on instructions, states that the applicant wants to withdraw the application itself.

4. In view of the above, Civil Application NO.9817 of 2025 stands dismissed as withdrawn.

C.A. No.9769/2025 (for withdrawal of amount):-

5. It is submitted that the acquiring body has deposited the entire payable award amount in this court together with interest accrued thereon. On this backdrop, learned counsel for the claimants prays for permission to withdraw the deposited award amount. He places reliance on the order dated 11.09.2025, passed by this court in Civil Application No.9766 of 2025 with connected matters. He submits that vide the said order, the applicants therein, who were claimants in those matters, were allowed to withdraw 50% of the deposited amount, on furnishing undertaking; and 25% amount on furnishing solvent security/surety to the satisfaction of learned Registrar (Judicial). He submits that the cited cases arise out of the same land acquisition proceedings and award, which is the subject matter of the present appeal. He submits that the objection raised by the acquiring body in the cited matters and the present appeal are also the same. Hence, on the principle of parity, he seeks same order.

6. Learned counsel for the acquiring body gracefully agrees with the factual position, as has been clarified by learned counsel for the claimants.

7. In view of the above, I pass the following order:-

a) Civil Application is partly allowed.

b) The claimants are allowed to withdraw 50% of the deposited amount, on furnishing usual undertaking and further 20% amount, on furnishing solvent security/surety to the satisfaction of learned Registrar (Judicial) of this court.

c) Rest of the amount be deposited in the fixed deposit in any nationalised bank.

8. Learned counsel for the applicants-claimants further submits that applicant no.4C is a lady of 80 years of age, suffering from various ailments. He submits that she is at great discomfort to travel from her place to Aurangabad so as to furnish undertaking and solvent security/surety. He prays that applicant no.4C may be permitted to execute undertaking and solvent security/surety at Udgir in the court of Civil Judge, Senior Division, Udgir.

9. Permission granted. Applicant no.4C is permitted to furnish her undertaking and solvent security/surety in the court of Civil Judge, Senior Division, Udgir, Dist. Latur.

[AJIT B. KADETHANKAR, J.]

KBP