

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

**921 CIVIL APPLICATION NO. 4044 OF 2025
IN FA/847/2022**

Hiraji Bhimsu Ittalkar

VERSUS

The State Of Maharashtra Thr. Collector Osmanabad And Ors

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Mr. Laxmikant C. Patil - Advocate for Applicant

Mr. D. J. Patil - AGP for Respondent/State

...

CORAM : NEERAJ P. DHOTE, J.

DATED : 08TH APRIL 2025

PER COURT : -

1. This is an Application by the original claimant, who is the Respondent in the Appeal, for withdrawal of the amount deposited by the Acquiring Body along with interest accrued thereon.

2. The Appeal is preferred by the State against the Judgment and Award dated 29.04.2015 passed by the learned Civil Judge Senior Division, Osmanabad, in L.A.R. No. 478 of 2011. The Appellant/State has deposited the amount under the Award. The land acquired for the Shahapur Storage Tank at village Shahapur, Dist. Osmanabad.

3. Learned Advocate for the Applicant tenders across the bar a copy of the order dated 30th March, 2022 passed by this Court in a group of Applications. One such application was Civil Application No.4714 of

2022 in First Appeal [St.] No. 11840 of 2019. Perusal of the said order shows that the Applicants/Claimants therein were permitted to withdraw 75% amount, out of which 50% on furnishing usual undertaking and remaining 25% on furnishing solvent security / surety to the satisfaction of the Registrar (Judicial) of this Court.

4. Learned AGP does not dispute the aforesaid aspect.

5. In view of the above, the Application is allowed in terms of the order passed on 30th March, 2022 in Civil Application No.4714 of 2022 in First Appeal [St.] No. 11840 of 2019. The operative part thereof reads thus :

“ORDER

- (A) The civil applications for withdrawal of amount of compensation moved by the claimants are allowed as under :-*
- (i) The applicants/original claimants are hereby permitted to withdraw 50% of amount of compensation on furnishing usual undertaking to the Registrar (Judicial) of this Court and 25% amount on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court.*
- (ii) Remaining 25% amount of compensation shall be invested in Fixed Deposit Account in any nationalized bank for a period of two years with a clause of renewal.*
- (iii) The civil applications are accordingly disposed of.”*

**[NEERAJ P. DHOTE]
JUDGE**