



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

955 CIVIL APPLICATION NO.4356 OF 2025
IN FA/2781/2023

ANANDRAO BHIMRAO LOMATE

VERSUS

THE STATE OF MAHARASHTRA, THROUGH THE COLLECTOR,
OSMANABAD AND ANR

...

Mr. Raghvendra Diliprao Bhise, Advocate for Applicant.

Mr. Rahul A. Tambe, Advocate for Respondent No.3.

...

WITH

FIRST APPEAL NO.2781 OF 2023

THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION,
THROUGH MEDIUM PROJECT DIVISION, OSMANABAD & ANR.

VERSUS

ANANDRAO BHIMRAO LOMATE

...

Mr. Rahul A. Tambe, Advocate for Appellants.

Mr. Raghvendra Diliprao Bhise, Advocate for Respondents.

...

WITH

FIRST APPEAL NO.2780 OF 2023

THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION,
THROUGH MEDIUM PROJECT DIV. OSMANABAD AND ANR

VERSUS

DATTATRYA MANIKRAO LOMATE

...

Mr. Rahul A. Tambe, Advocate for Appellants.

Mr. Raghvendra Diliprao Bhise, Advocate for Respondents.

WITH

FIRST APPEAL NO.2782 OF 2023

THE EX. ENGINEER, MINOR IRRIGATION DIV. THR MEDIUM
PROJECT DIV. OSMANABAD AND ANR

VERSUS

RATANAKAT MANIKRAO LOMATE

...

Mr. Rahul A. Tambe, Advocate for Appellants.

Mr. Raghvendra Diliprao Bhise, Advocate for Respondents.

...

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 20th JUNE, 2025

P.C.:-

CIVIL APPLICATION NO. 4356 OF 2025:-

1. This is an application for withdrawal of the compensation amount by which, the original claimants are seeking to withdraw the amount deposited by the acquiring body in pursuance to the order by the Reference Court.

2. Learned Advocate for the Applicant submits that in similar matter, withdrawal is permitted by order dated 23rd June 2023 on Civil Application No.7692 of 2023 in First Appeal (Stamp) No.26071 of 2020 with connected matters.

3. Having considered the submissions advanced and the reasons stated by the Reference Court in the impugned judgment, it would be appropriate to permit the Applicants to withdraw 75% of the amount that has been deposited in the Court vide order dated 8th September 2021, subject to usual undertaking to be furnished to the satisfaction of the Registrar (Judicial), stating that in case, the appeal is decided, the Applicant will deposit the amount. The balance 25% amount be

deposited in fixed deposit.

4. Civil application is accordingly disposed of.

FIRST APPEAL NOS.2780 OF 2023, 2781 OF 2023 & 2782 OF 2023:-

5. Heard Advocate Mr. Tambe appearing for the Appellants. These are the appeals filed by the acquiring body challenging the judgment and award of the Reference Court. Considering the grounds raised and submissions advanced, the appeals are admitted.

6. Call for record and proceedings.

7. Advocate Mr. Raghvendra Bhise waives service of notice for Respondent.

(PRAFULLA S. KHUBALKAR, J.)