



(1)

959-CA-4761-2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

959 CIVIL APPLICATION NO. 4761 OF 2025 IN FA/4533/2023

SANJIVAN BABU KAWADE

VERSUS

THE EXECUTIVE ENGINEER OSMANABAD MEDIUM PROJECT DIVISION
OSMANABAD TQ AND DIST OSMANABAD AND ORS

...

WITH

CIVIL APPLICATION NO. 4763 OF 2025 IN FA/4536/2023

BABU NAMDEV KAWADE (DIED) THR LRS. JAGANNATH BABU KAWAD AND
ORS

VERSUS

THE EXECUTIVE ENGINEER OSMANABAD MEDIUM PROJECT DIVISION
OSMANABAD TQ AND DIST OSMANABAD AND ORS

...

WITH

CIVIL APPLICATION NO. 4766 OF 2025 IN FA/4534/2023

PRASHANT RAMA KAWADE

VERSUS

THE EXECUTIVE ENGINEER OSMANABAD MEDIUM PROJECT DIVISION
OSMANABAD TQ AND DIST OSMANABAD AND ORS

...

WITH

CIVIL APPLICATION NO. 4765 OF 2025 IN FA/4535/2023

HARISCHANDRA BABU KAWADE

VERSUS

THE EXECUTIVE ENGINEER OSMANABAD MEDIUM PROJECT DIVISION
OSMANABAD TQ AND DIST OSMANABAD AND ORS

...

WITH

CIVIL APPLICATION NO. 4764 OF 2025 IN FA/4537/2023

JAGANNATH BABU KAWADE

VERSUS

THE EXECUTIVE ENGINEER OSMANABAD MEDIUM PROJECT DIVISION
OSMANABAD TQ AND DIST OSMANABAD AND ORS

...

WITH

CIVIL APPLICATION NO. 4762 OF 2025 IN FA/4536/2023

BABU NAMDEV KAWADE DIED THROUGH LRS JAGANNATH AND ORS

VERSUS

THE EXECUTIVE ENGINEER OSMANABAD MEDIUM PROJECT DIVISION
OSMANABAD TQ AND DIST OSMANABAD AND ORS

...

Advocate for Applicant : Mr. A. N. Nagargoje h/f. Mr. D. A. Mane
AGP for Respondent Nos.2 and 3 : Ms. D. S. Jape
Advocate for Respondent No.1 : Mr. S. G. Sangle

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CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 25.04.2025

PER COURT :-

CIVIL APPLICATION NO. 4761 OF 2025 IN FA/4533/2023

CIVIL APPLICATION NO. 4763 OF 2025 IN FA/4536/2023

CIVIL APPLICATION NO. 4766 OF 2025 IN FA/4534/2023

CIVIL APPLICATION NO. 4765 OF 2025 IN FA/4535/2023

CIVIL APPLICATION NO. 4764 OF 2025 IN FA/4537/2023

1. These are applications for withdrawal of the amounts filed by the claimants.

2. Respondents in Appeals who are the land owners and original

petitioners in Land Acquisition References have moved the present applications for withdrawal of the amount deposited by the acquiring body with this Court in compliance of order granting stay to the execution of the impugned judgment and award passed by the Reference Court. The appellant was directed to deposit entire amount of compensation as directed by the learned reference Court along with accrued interest. The appellant has deposited the said amount with this Court.

3. The learned counsel for the applicants/respondents in Appeals contends that in connected matters i.e. Civil Application No. 1865/2025 in FAST/16109/2023, Civil Application No.1159/2024 in First Appeal No.3442/2022 and other connected matters, vide order dated 03.02.2025 and vide order dated 11th August, 2023 in Civil Application No.7264/2023 and other connected matters, the entire amount deposited is allowed to be withdrawn, 75% on usual undertaking and 25% on furnishing solvent surety/security.

4. In view of the above, the present applications are allowed. The applicants are permitted to withdraw the entire amount deposited by the appellant along with accrued interest, 75% on usual undertaking and 25% on

furnishing solvent surety/security.

5. Civil Applications are disposed of.

CIVIL APPLICATION NO. 4762 OF 2025 IN FA/4536/2023

1. The learned counsel for the claimant requests for permission to withdraw Civil Application No.4762 of 2025.

2. Request granted.

3. The Civil Application is allowed to be withdrawn.

ORDER IN

FA/4533/2023

FA/4536/2023

FA/4534/2023

FA/4535/2023

FA/4537/2023

FA/4536/2023

As far as deposit of remaining amount, the acquiring body should clarify the position about time period within which the amount will be deposited after making necessary verification.

(PRAFULLA S. KHUBALKAR, J.)