



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 5402 OF 2025
IN FA/3105/2021

LAXMAN BALBHIM GORE, DIED THROUGH LRS,
MAINA W/O LAXMAN GORE
VERSUS
THE STATE OF MAHARASHTRA THROUGH
THE COLLECTOR, OSMANABAD AND OTHERS.

.....
Advocate for Applicant : Mr. Laxmikant C. Patil
AGP for Respondent No.1 - State : Mr. N. D. Batule
Advocate for Respondent No.2 : Mr. Gulab B. Rajale
.....

CORAM : ABHAY S. WAGHWASE, J.

DATED : 23 JUNE 2025

PER COURT :

1. This is an Application by the Original Claimants/
Respondent in the Appeal filed by the Acquiring Body for withdrawal
of the remaining 40% 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 60% amount by order dated
05.04.2022, which reads as under : -

*“1. It is an application for withdrawal of compensation amount
moved by the applicants/original claimants.*

2. Heard Mr. L. C. Patil, learned counsel for the

applicants/original claimants, Mr. S. N. Morampalle, learned AGP for respondent No.1/State and Mr G.B. Rajale, learned counsel for respondent No.2/acquiring body.

3. *It is pointed out by Mr. L. C. Patil, learned counsel for the applicants/claimants that in connected matter vide Civil Application No.6434/2020 in First Appeal Stamp No. 22611/2019, this Court was pleased to allow the claimants to withdraw 60% amount of compensation. He therefore, seeks similar relief.*

4. *Mr. G. B. Rajale, learned counsel for the acquiring body and Mr. S. N. Morampalle, learned AGP for the State fairly conceded this position.*

5. *The copy of order passed by this Court (Coram : M. G. Sewlikar, J.) dated 07.01.2021 is taken on record and marked as 'X' for identification.*

6. *By taking the same view, I proceed to pass the following order :-*

ORDER

(i) *The application is hereby allowed.*

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

(iii) *The applicants/claimants are further permitted to withdraw 10% amount of compensation with accrued interest thereon on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court.*

(iv) *The civil application is accordingly disposed of."*

3. He submits that Applicants/Claimants be permitted to

withdraw the remaining 40% amount along with interest accrued thereon and Applicants are ready to furnish solvent securities / sureties 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 08.04.2025 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.

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 aspect, the Application is allowed in terms of prayer clause 'B' thereof. The Applicants shall furnish solvent securities / sureties against the said withdrawal of 40% amount to the satisfaction of the Registrar (Judicial) of this Court.

6. Application stands disposed off.

(ABHAY S. WAGHWASE, J.)