



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

920 CIVIL APPLICATION NO. 6213 OF 2025
IN FA/2373/2019

JAYHIND BHIVA MARKAD AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH COLLECTOR,
OSMANABAD AND OTHERS

...
Advocate for Applicant : Mr. Laxmikant C. Patil
AGP for Respondent-State : Mr. N. D. Batule
...

CORAM : ABHAY S. WAGHWASE, J.

Dated : 25 June, 2025

PER COURT :-

1. This is an Application by the original claimants, who are the Respondents in the Appeal, for withdrawal of the entire amount deposited by the acquiring body, i.e. the State, with this Court.
2. The learned Advocate for the Applicants submits that the Appeal would take its own time and therefore, the Applicants be permitted to withdraw the entire amount on furnishing undertaking.
3. The Application is opposed by the learned AGP. He submits that the compensation enhanced by the learned Reference Court is five (5) times the compensation awarded by the Special Land Acquisition Officer (in short, 'SLAO').
4. The Appeal is by the acquiring body i.e. State. The Appellant has deposited the entire amount under the award with this Court. There is no order of calling record and proceedings for hearing the

Appeal. Considering the above submissions and the enhancement is only up to five (5) times the compensation awarded by the SLAO, it would be appropriate that if the Applicants are allowed to withdraw 75% amount from the amount deposited by the acquiring body, subject to condition that 50% amount shall be withdrawn on furnishing usual undertaking and 25% shall be withdrawn against solvent security/surety, both to the satisfaction of the Registrar (Judicial) of this Court. Hence, the following order :

ORDER

- I. The Application is partly allowed.
- II. The applicants are permitted to withdraw 75% amount from the amount deposited by the acquiring body alongwith interest accrued thereon. Out of the said 75% amount, 50% amount alongwith interest accrued thereon shall be withdrawn by the Applicants on furnishing usual undertaking and 25% amount alongwith interest accrued thereon shall be withdrawn by the Applicants on furnishing solvent surety/security, both to the satisfaction of the Registrar (Judicial) of this Court.
- III. Remaining 25% amount alongwith interest accrued thereon, be invested in a Fixed Deposit Receipt (FDR) in any Nationalized Bank and the FDR be renewed from time to time till disposal of the Appeal.

[ABHAY S. WAGHWASE, J.]