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

**44 CIVIL APPLICATION NO. 9163 OF 2025**
**IN FAST/1274/2018**

SHRIKRISHNA SHANKARRAO KULKARNI DECEASED THR LRS RADHIKA AND OTHERS
*VERSUS*
THE STATE OF MAHARASHTRA THR THE COLLECTOR, OSMANABAD AND ORS

...

Mr. S. S. Sarda h/f. Mr. M. R. Deshmukh, Advocate for Applicants
Mr. R. K. Ingole, AGP for Respondent-State
Mr. S. A. Mulla h/f. Mr. S. G. Karlekar, Advocate for Respondent/acquiring body

**WITH**
**CIVIL APPLICATION NO. 759 OF 2018**
**IN FAST/1274/2018**

THE EX. ENGINEER, (MEDIUM PROJECT) P.B. NO. 2 DIV. OSMANABAD AND ORS
*VERSUS*
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...

**CORAM : AJIT B. KADETHANKAR, J.**

**DATED : 26th October 2026**

P.C. :-

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. At the outset, it is submitted that during the pendency of the first appeal, the original claimant namely Shrikrishna Shankarrao Kulkarni is died. Learned Advocate for the applicants undertakes to amend the title clause forthwith. Leave granted. The legal representatives of the deceased claimant are taken on record.

2. This is a consecutive application seeking withdrawal of the balance amount deposited by respondent No.2/acquiring body in this Court.

3. The land of the applicants was acquired by the appellant-acquiring body by way of compulsory acquisition after following the procedure laid down under the Land Acquisition Act. The Special Land Acquisition Officer offered compensation and declared the award. Being dissatisfied with the same, the claimants approached the Reference Court under Section 18 of the Act.

4. After assessing the evidence on record, the Reference Court enhanced the compensation from Rs.305/- per R to

Rs.3,750/- per Are. Feeling aggrieved thereby, the acquiring body is before this Court.

5. While granting stay to the execution and operation of the impugned judgment and award, this Court directed the acquiring body to deposit the entire payable award amount in this Court. The acquiring body has complied with the said directions.

6. Vide earlier Civil Application No.6473 of 2019, the applicants succeeded in convincing this Court to permit withdrawal of 50% of the amount deposited by the acquiring body. The said withdrawal was subject to the condition that the claimants shall furnish an undertaking to the satisfaction of the learned Registrar (Judicial) of this Court.

7. By way of the present Civil Application, the claimants seek further withdrawal of the deposited amount. It is stated that the applicants are in dire need of the award amount to meet their medical treatment expenses. The grounds for seeking withdrawal are stated in paragraphs 6 and 7 of the application.

8. Learned Advocate for the acquiring body expresses his apprehension that if the entire amount is withdrawn by the

claimants, the very object of filing the appeal would stand frustrated.

9. In view of the above, and to balance the equities, I pass the following order :

**ORDER**

I. Civil Application is partly allowed.

II. The claimants/applicants are permitted to withdraw 25% of the balance amount deposited by the acquiring body, together with accrued interest, by furnishing an additional undertaking to the satisfaction of the learned Registrar (Judicial) of this Court.

III. The applicants are also permitted to withdraw the further and final 25% of the amount deposited by the acquiring body by furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this Court.

IV. Civil Application stands disposed of.

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10. As the entire award amount is deposited by the acquiring body in this Court, the stay granted earlier is made absolute.

11. Civil Application stands disposed of.

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12. This is an application seeking condonation of delay caused in filing the first appeal.

13. Learned Advocate for the other side has no objection for condonation of delay.

14. For the reasons stated in the application, the same stands allowed. Delay stands condoned.

15. First appeal be registered subject to removal of office objections, if any.

**FIRST APPEAL**

16. Issue notice to the respondents. Mr. S. S. Sarda h/f. Mr. M. R. Deshmukh, learned Advocate waives notice for respondent Nos.1A to 1C. Learned AGP waives notice for the respondent – State.

**( AJIT B. KADETHANKAR, J. )**

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