IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

951 CIVIL APPLICATION NO. 8866 OF 2026
IN FA/1062/2019

SHAIKH BABIN SHAIKH CHAND (DECEASED) THR LRS
SHAIKH NADU SHAIKH BIBAN AND ORS.
VERSUS
THE EX. ENGINEER, BEED IRRIGATION DIVISION, BEED
AND ANR.
...
Mr. S. S. Jadhavar, Advocate for Applicants
Mr. K. B. Jadhavar, AGP for Respondent-State
Mr. Mahesh C. Swami, Advocate for Respondent No.1
WITH
FIRST APPEAL NO. 1062 OF 2019
WITH
CIVIL APPLICATION NO. 8835 OF 2026
IN FA/1068/2019
WITH
FIRST APPEAL NO. 1068 OF 2019
...

CORAM : AJIT B. KADETHANKAR, J.
DATED : 03.11.2026

P.C. :-

CIVIL APPLICATION NO. 8866 OF 2026

. This is a consecutive application by the applicants seeking leave to withdraw the amount deposited by the acquiring body in this Court in an appeal challenging the judgment and award passed by the Reference Court.

2. In response to the notice issued by this Court, the

respondent – authorities filed their reply affidavit under the name and signature of one Ms. Vrinda Amey Nair, holding the chair of Assistant Engineer Grade-I, Beed Irrigation Division Beed. From page No.34 of the Civil Application compilation which forms part of the reply affidavit, it appears that the amount payable to the present applicants is calculated above Rs.1 Crore (1,01,20,134/-).

3. It is submitted by Mr. Mahesh C. Swami, learned Advocate that initially the acquiring body deposited Rs.50,60,060/- in the present matter, and later added Rs.25,53,865/-. Thus he submits that total amount of Rs.76,13,925/- deposited in this Court.

4. In view of this and particularly in the light of the fact that this Court has directed the acquiring body to deposit entire payable award amount in this Court and the calculation furnished by the acquiring body itself is more than Rs.1 Crore, they have deposited hardly Rs.76,13,925/-. In view of this, I deem it appropriate to allow the application in terms of prayer clause (B). Hence I pass following order :

ORDER

I. Civil Application stands allowed.

II. The applicants are permitted to withdraw the balance amount deposited by the acquiring body in this Court with accrued interest thereon by furnishing usual undertaking to the satisfaction of learned Registrar (Judicial) of this Court.

III. Suffice to note this would be in addition to the solvent surety which is already furnished by the applicants.

5. The Assistant Engineer is directed to file on oath a chart in following form :

FA No.	Compensation granted by the Reference Court	Subsequent amount deposited in such first appeal	The amount remained to be deposited in first appeal.

6. The above affidavit be filed in First Appeal No.1602 of 2019 on or before 05.12.2026.

7. Place the First Appeal No.1602 of 2019 on 05.12.2026.

(AJIT B. KADETHANKAR, J.)

PRW