



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

**CIVIL APPLICATION NO. 693 OF 2026
IN
FIRST APPEAL NO. 3010 OF 2021**

Madhav Ganpati Shinde
Since deceased through his L.Rs.
Laxmi and others .. Applicants

Versus

The State of Maharashtra, through the
Collector Osmanabad and others .. Respondents

Shri Sachin Bhalerao, Advocate h/f Shri Ajeet B. Kale, Advocate
for the Applicants.

Shri S. V. Hange, A.G.P. for the Respondent Nos. 1 and 2.

Shri S. G. Bhalerao, Advocate for the Respondent No. 3.

**CORAM : SHAILESH P. BRAHME, J.
DATE : 20TH JANUARY, 2026.**

FINAL ORDER :

. Heard both sides.

2. Applicants are seeking modification to the order dated 26.11.2025 on the ground that inadvertently it is not brought to the notice of this Court that on earlier occasion this Court permitted the claimants to withdrawn the amount to the extent of 75% on furnishing undertaking. For that purpose my attention is adverted to earlier order dated 03.07.2025 passed in Civil Application No. 6650 of 2025.

3. The application is objected by the learned counsel Mr.

Bhalerao for the respondent – acquiring body. It is submitted that acquiring body has deposited 80% of the amount under the award and disbursement granted by order in question is reasonable and appropriate.

4. By order dated 26.11.2025 this court permitted the claimant to receive 50% of the deposited amount on furnishing undertaking and 50% of the deposited amount on furnishing solvent surety/security out of the amount deposited in this Court. They are seeking modification that they would be content in receiving 75% of the deposited amount on furnishing undertaking.

5. I am of the considered view that already 20% of the total amount of compensation has not be deposited by the acquiring body. By way of modification 75% of the amount is permitted to be withdrawn. Out of the deposited amount, 25% is as good as withholding of the amount. That would safeguard the interest of the acquiring body. In that view of the matter the order dated 26.11.2025 shall stand modified by permitting the applicants to receive 75% of the amount with accrued interest out of the deposited amount on furnishing undertaking to the satisfaction of the Registrar (Judicial) of this Court. Balance amount shall be invested in any nationalized bank. The civil application is disposed of.

[SHAILESH P. BRAHME J.]