



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

97 CIVIL APPLICATION NO. 6025 OF 2025
IN FAST/5648/2021

HAIBAT SIDDA TODAKAR (DIED) THR LRS SHRIRAM AND ANR
VERSUS
THE STATE OF MAHARASHTRA, THROUGH THE COLLECTOR,
OSMANABAD

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Mr. Ajeet B. Kale, Advocate for Applicants.
Mr. A. D. Wange, AGP for Respondent-State.
Mr. Rahul A. Tambe, Advocate for Respondent No.3.

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CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 29th APRIL, 2026

P.C.:-

CIVIL APPLICATION NO. 6025 OF 2025:-

1. This application has been filed by the claimants for withdrawal of amount deposited by the acquiring body in the appeal as directed by this court while granting stay to the impugned judgment and award.

2. Mr. Ajeet B. Kale, learned counsel for the Claimants/Applicants, submits that the entitlement of the claimants to receive the compensation has been assessed by the trial court after examining the evidence on record and thereafter only, enhancement has been granted by the Trial Court. He would submit that it is not in dispute that the immovable properties of the applicants have been acquired by the acquiring body in the compulsory acquisition. He

would submit that that there cannot be any dispute about the quantum, as could be seen to have been raised by the acquiring body in the appeal. He places reliance on the **order dated 26.04.2023, passed by this Court in Civil Application No.5088 of 2023 in FA/2611/2021 with connected matters**. He would further submit that this court, vide said order, has permitted the applicants therein to withdraw 50% of the deposited amount with interest accrued, on furnishing undertaking to the satisfaction of learned Registrar (Judicial). In order to justify the reliance placed on the cited order, she would submit that the subject matter – land acquisition proceedings in the cited appeals is the same, which is the subject matter of the present appeals. He would also submit that the grounds of appeals raised by the acquiring body in both these matters is also same. In view of this, he prays for withdrawal of 50% of the deposited amount together with interest accrued thereon.

3. Learned counsel for the acquiring body, in all fairness, agrees with the submission made by learned counsel for the applicants so far as factual aspect is concerned. He would further submit that the acquiring body has reasonable right to dispute the findings of the reference court on merits while hearing the appeal.

4. In view of the above, I pass the following order:-

- (i) The applicants are permitted to withdraw the entire 50% amount of compensation along with interest

accrued thereon, till date, on usual undertaking to the satisfaction of learned Registrar (Judicial) of this court.

(ii) The application stand disposed of accordingly.

(SIDDHESHWAR S. THOMBRE, J.)

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