



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

951 CIVIL APPLICATION NO. 7933 OF 2025
IN FA/2167/2022

MAHADEO SUKHDEO MANE (DIED) THR LRS TOLABAI DIED THROUGH
LRS NANASAHEB AND ORS

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR
OSMANABAD AND ORS.

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Advocate for Applicant : Mr. Rakhunde Pravin B
AGP for Respondent nos. 1 & 2 : Mr. S.N. Morampalle
Advocate for Respondent No. 3 : Mr. Ram B. Deshpande

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CORAM : SHAILESH P. BRAHME, J.

DATE : 06.01.2026

PER COURT :

The applicants seek permission to withdraw 25% of the amount with accrued interest as well as direction to respondent no. 3 to deposit balance amount of 25% with accrued interest.

2. The respondent-Acquiring Body has preferred first appeal and secured stay on condition of depositing 75% of the amount vide order dated 21.02.2022. By further order dated 19.06.2023 the applicant was permitted to receive 75% of the amount with accrued interest of the deposited amount. Accordingly, the amount was disbursed to the applicant. It is contended that in similarly situated matter the Acquiring Body was directed to deposit entire amount. In that backdrop, the directions are solicited in the present application.

3. The learned counsel for respondent no. 3 opposes the application on the ground that it is second application and already substantial amount was disbursed to the applicant. It is further submitted that respondent is ready

to go for final hearing of the appeal.

4. The applicant has shown readiness to furnish solvent surety/security if the amount is disbursed to them with accrued interest, which is pending in this Court. This Court is not inclined to direct the respondent-Acquiring Body to deposit any further amount. Ends of justice would be met in permitting the applicant to receive the amount with accrued interest which has already been deposited.

5. The Civil Application is partly allowed permitting the applicant to receive 25% of the amount with accrued interest which is already deposited by respondent no. 3-Acquiring Body in this Court, which remained to be disbursed, on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court.

6. List First Appeal for final disposal on 09.02.2026.

(SHAILESH P. BRAHME, J.)

mkd/-