



(1)

39 CA 12074 OF 2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

39 CIVIL APPLICATION NO. 12074 OF 2025
IN FA/123/2026

BALASAHEB BHUJANG KAWADE DIED THR LRS SAVITA AND ORS
VERSUS
THE EX. ENGINEER, OSMANABAD MINOR IRRIGATION DIV. OSMANABAD
WITH
FIRST APPEAL NO. 125 OF 2026
WITH
FIRST APPEAL NO. 127 OF 2026
WITH
FIRST APPEAL NO. 124 OF 2026
WITH
FIRST APPEAL NO. 123 OF 2026
WITH
FIRST APPEAL NO. 126 OF 2026
WITH
FIRST APPEAL NO. 128 OF 2026

...

Mr. S. V. Undre, Advocate for Claimants
Mr. S. V. Hange, AGP for Respondent-s/State
Mr. S. B. Patil, Advocate for Acquiring body

...

CORAM : SHAILESH P. BRAHME, J.

DATE : 21.01.2026

PER COURT :-

. Heard both sides.

2. Applicants seek to withdraw the amount of Rs.5,96,818/-. My attention is adverted to different orders passed by coordinate benches permitting claimants in similarly situated mattes to receive 75% of the amount

on furnishing undertaking and 25% of the amount on furnishing solvent surety/security.

3. In the present matter, only 75% of the amount has been deposited by the respondent – acquiring body and the acquiring body is withholding 25% of the amount, which is sufficient safeguard. I find it fit to disburse the amount deposited in this Court on certain conditions.

4. Civil Application is allowed partly permitting the applicants to receive the deposited amount with accrued interest on furnishing undertaking to the satisfaction of the learned Registrar (Judicial) of this Court.

FIRST APPEALS

5. **Admit.** Learned AGP waives service of notice for the respondent-s/State.

6. Call for Record and Proceeding. Print is dispensed with.

(SHAILESH P. BRAHME, J.)