



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

**48 CIVIL APPLICATION NO. 13765 OF 2025
IN FA/2864/2024**

NARSING SO SURATRAM GHUNAWAT

VERSUS

**THE EXECUTIVE ENGINEER, GODAWARI MINOR IRRIGATION
DEPARTMENT**

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Advocate for Applicant : Mr. Pingale Durgesh Madhukar

Advocate for Respondent No. 1 :L Mr. Vinayak Patunkar

AGP for Respondent nos. 2 & 3: Mr. S.N. Morampalle

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CORAM : SHAILESH P. BRAHME, J.

DATE : 10.02.2026

PER COURT :

Heard both sides.

2. The applicant seeks to withdraw amount of Rs. 65,67,973/- deposited by the respondent-Acquiring Body. It is submitted by the learned counsel for the applicant that in similarly circumstanced matters, decided by common judgment, the Acquiring Body decided not to prefer appeal. For that purpose reliance is placed on a letter dated 23.02.2024. In this backdrop, it is claimed that the applicant is entitled to receive the amount deposited.

3. The application is objected by the counsel for the Acquiring Body. It is submitted that first appeal is bound to succeed on various counts including that the interest under Section 28 of the Land Acquisition Act was awarded from the date of notification instead of award.

4. There is substance in the submissions of the learned counsel for the Acquiring Body. Ends of justice would be met in permitting the applicant to

receive 75% of the amount deposited with accrued interest on furnishing undertaking.

5. The Civil Application is allowed partly permitting the applicant to receive 75% of the amount deposited with accrued interest on furnishing undertaking to the satisfaction of the Registrar (Judicial) of this Court. Balance amount shall be invested in any Nationalized bank.

6. The Civil Application is disposed of.

FIRST APPEAL :

7. Admit. Learned counsel Mr. Pingale waives service for the respondent/Claimant. Learned A.G.P waives service for respondent/State.

CIVIL APPLICATION FOR STAY

8. As the entire amount is deposited, interim relief granted earlier shall stand confirmed.

9. The Civil Application is disposed of.

(SHAILESH P. BRAHME, J.)

mkd/-