



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

**CIVIL APPLICATION NO. 1039 OF 2026
IN
FIRST APPEAL NO. 1611 OF 2022**

Sainath Ramrao Matsagar and others .. Applicants

Versus

Office in Charge Office of Maharashtra
Industries Development Corporation
Aurangabad and others .. Respondents

Shri S. S. Kazi, Advocate for the Applicants.
Shri G. S. Khaire, Advocate h/f Shri S. S. Dande, Advocate for
the Respondent Nos. 1 and 2.
Shri S. V. Hange, A.G.P. for the Respondent Nos. 3 and 4.

**CORAM : SHAILESH P. BRAHME, J.
DATE : 12TH FEBRUARY, 2026.**

FINAL ORDER :

. Heard both sides.

2. Applicant No. 2 through his heirs seek to withdraw amount of Rs. 1,29,10,440/- deposited by the respondent – acquiring body.

3. It reveals from record that initially amount of Rs. 1,18,59,156/- was deposited and that was permitted to be withdrawn vide order dated 09.07.2025 on certain conditions. The parties are unanimous that earlier deposits were 50% of the compensation amount only and that was withdrawn by the

applicant No. 1 – Sainath towards his share. Now applicant No. 2 Shivnath through his heirs is claiming 50% of the amount deposited by the respondent – acquiring body.

3. Mr. Kazi, learned counsel for the applicants would advert my attention to the contents of the application that heirs of the applicant No. 2 are poor and unable to furnish solvency for furnishing surety/security. It is prayed that instead of solvent surety/security, the condition of furnishing undertaking may be imposed.

4. Learned counsel for the respondent – acquiring body opposes the submissions. It is contended that the amount is very huge. If it is disbursed without safeguarding the interest of the acquiring body, prejudice would be caused.

5. I have considered rival submissions of the parties. On earlier occasion vide order dated 09th July, 2025 applicant No. 1 was permitted to receive 25% of the amount deposited on furnishing undertaking and 25% of the amount deposited on furnishing solvent surety/security. Balance amount of 50% is secured by investing it in nationalized bank. I propose to adopt the same course. There is no doubt about the practical difficulty expressed by the learned counsel for the applicants. This Court is already safeguarding the interest of the acquiring body by disbursing only 50% of the amount out of the deposits.

6. The civil application is allowed partly permitting the applicant No. 2, through his heirs to receive 50% 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. The civil application is disposed of.

[SHAILESH P. BRAHME J.]

bsb/Feb. 26