



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

45 CIVIL APPLICATION NO. 2687 OF 2026
IN FA/849/2026
WITH
CIVIL APPLICATION NO. 2689 OF 2026
IN FA/851/2026
WITH
CIVIL APPLICATION NO. 2688 OF 2026
IN FA/850/2026
WITH
CIVIL APPLICATION NO. 2686 OF 2026
IN FA/848/2026

MOHAN KHANDAPPA BIRAJDAR

VERSUS

THE EXECUTIVE ENGINEER MINOR IRRIGATION DIVSION
SCHINCHAN BHAVAN ANANDNAGAR OSMANABAD

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Advocate for Applicant : Mr. Shahaji C. Nadare h/f Mr. Naiknavare
Ramesh Vitthal

Advocate for Respondent No. 1 : Mr. Ram B. Deshpande
A.G.P. for Respondent nos. 2 and 3 : Mr. S.N. Morampalle

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CORAM : SHAILESH P. BRAHME, J.

DATE : 09.03.2026

PER COURT :

CIVIL APPLICATIONS FOR WITHDRAWAL OF AMOUNT :

1. Heard both sides. The applicants seek to withdraw amount of compensation deposited by the respondent-Acquiring Body to the tune of Rs. 25,77,617/-, Rs. 49,97,836/-, Rs. 25,08,424/-, Rs. 55,33,418/-, in respective appeals. The disbursement is sought on the basis of common order passed by this Court on 03.11.2025, permitting the applicants to receive 75% of the deposited amount on certain conditions.

2. The Civil Applications are contested by the respondents. It is submitted that the enhancement is exorbitant, awarding of interest is illegal and compensation has been awarded arbitrarily.

3. In similarly circumstanced appeal this Court permitted the claimants to receive 75% of the amount on certain conditions. I propose to withhold 25% of the amount which would serve the interest of the respondent-Acquiring Body for the time being. I, therefore, pass following order.

ORDER

Civil Applications are allowed partly permitting the applicants to receive 50% of the deposited amount with accrued interest on furnishing undertaking and further 25% of the deposited amount with interest on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court. Balance amount shall be invested in any nationalized bank.

(SHAILESH P. BRAHME, J.)

mkd/-