



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 2862 OF 2026
IN FAST/27258/2021

Vitthal Chatru Pardeshi (rajput) And Ors.

VERSUS

The Ex. Engineer, Minor Irrigation Div. (m.i.w) Jalgaon And Anr.

...

Mr. A. H. Koralkar, Advocate for Applicants

Mr. S. S. Chillarge, Advocate for Respondent No. 1

Mr. V. V. Jahagirdar, AGP for Respondent No. 2

WITH CIVIL APPLICATION NO. 438 OF 2022
IN FAST/27258/2021

The Ex. Engineer, Minor Irrigation Div. (m.i.w) Jalgaon

VERSUS

Vitthal Chatru Pardeshi (rajput) And Ors

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Mr. S. S. Chillarge, Advocate for Applicant

Mr. A. H. Koralkar, Advocate for Respondent Nos. 1 to 4

WITH CIVIL APPLICATION NO. 440 OF 2022
IN FAST/27258/2021

The Ex. Engineer, Minor Irrigation Div. (m.i.w) Jalgaon

VERSUS

Vitthal Chatru Pardeshi (rajput) And Ors

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Mr. S. S. Chillarge, Advocate for Applicant

Mr. A. H. Koralkar, Advocate for Respondent Nos. 1 to 4

CORAM : SHAILESH P. BRAHME, J

DATE : MARCH 11, 2026

PC :

CIVIL APPLICATION FOR WITHDRAWAL

1. Applicants seek further disbursement of the amount.

Respondent – Acquiring Body was directed to deposit 50% of the amount

with accrued interest vide order dated 19.01.2022. Thereafter it was disclosed that in the Reference Court amount of Rs.82,23,924/- was already deposited. They were permitted to deposit 40% instead of 50%. After depositing the amount, this Court permitted Applicants to withdraw 15% of amount out of that 40% amount. Thus, the Applicants received amount of Rs.82,23,924/- from the Reference Court and Rs.02,08,86,618/- inclusive of interest from High Court. Now, they are further claiming disbursement from the balance amount.

2. Mr. Chillarge, learned Counsel for Acquiring Body, has opposed the submissions. It is contended that there is exorbitant enhancement granted by Reference Court for the lands as well as fruit bearing trees. It is submitted that the Division Bench also in group of matters permitted disbursement of 25% on furnishing solvent surety/security vide order dated 08.11.2019.

3. Applicants have received total amount of Rs.2,91,10,542/- till today. The interest of Acquiring Body is also needs to be safeguarded while considering the claimant of the Applicants. The ends of justice would met in permitting further disbursement of Rs.50 lacs only on furnishing solvent surety/security.

4. In view of above, Civil Application is allowed partly.

Applicants are permitted to receive Rs.50 lacs only on furnishing solvent surety/security to the satisfaction of Registrar (Judicial) of this Court from the balance amount.

CIVIL APPLICATION FOR DELAY

5. Applicant seeks to condone delay of 599 days.
6. The reasons stated in the application have not been traversed by the Respondents Claimants. There is no reason to infer any malafides on the part of the Applicant. Civil Application stands allowed. Delay stands condoned.

CIVIL APPLICATION FOR STAY

7. Acquiring Body has deposited amount in pursuance to the order passed by this Court. Ad-interim relief shall stands confirmed. Civil Application stands disposed of.

FIRST APPEAL

8. Admit.
9. Call record and proceedings.
10. Print dispensed with.

(SHAILESH P. BRAHME, J.)

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