



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

926 CIVIL APPLICATION NO. 3931 OF 2026
IN FA/1256/2026

BHAULAL BHIMRAO HARNE
VERSUS
THE STATE OF MAHARASHTRA THROUGH COLLECTOR
AURANGABAD

WITH
CIVIL APPLICATION NO. 5603 OF 2025
IN FA/1256/2026

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Advocate for Applicant : Mr. Pingale Durgesh Madhukar.
AGP for Respondent/s-State : Mr. S. V. Hange.

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CORAM : SHAILESH P. BRAHME, J.
DATE : 05.05.2026

PER COURT :-

1. Heard both sides.
2. Applicant seeks to withdraw amount of Rs.2,77,72,122/- deposited by the respondent/acquiring body.
3. Applicants are claiming disbursement of the entire amount with accrued interest. Reliance is placed on the judgment passed by the Co-ordinate Bench in First Appeal No.1643 of 2022. In that case enhancement was also granted to the tune of Rs.43,200/- per R., besides distinct compensation for fruit bearing trees.

4. Application is contested by learned AGP. It is contended that the impugned judgment is vulnerable. The enhancement is exorbitant. The previous decision would not stop the acquiring body for challenging the enhancement. The contentious issues are raised in the appeal. It would be risky to permit the claimants to receive the entire amount. Ends of the justice would be met in permitting the applicants/claimants to receive 75% of the amount with accrued interest.

5. Application is allowed partly permitting the applicant to receive 75% amount with accrued interest on furnishing undertaking.

Civil Application for Stay

6. As the acquiring body has deposited the amount in pursuance of the orders passed by this Court, ad-interim relief shall stand confirmed.

7. Civil application is disposed of.

(SHAILESH P. BRAHME, J.)

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vmk/-