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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

910 CIVIL APPLICATION NO. 4302 OF 2026
IN FAST/17163/2024

SHRIKANT DIGAMBAR PANDE
VERSUS
THE CIDCO CIDCO OFFICE
WITH
CIVIL APPLICATION NO. 6835 OF 2024
IN FAST/17163/2024

THE CIDCO OFFICE AURANGABAD
VERSUS
SHRIKANT DIGAMBAR PANDE AND OTHERS
WITH
CIVIL APPLICATION NO. 4303 OF 2026
IN FAST/17163/2024

SHRIKANT DIGAMBAR PANDE
VERSUS
THE CIDCO CIDCO OFFICE
WITH
CIVIL APPLICATION NO. 6834 OF 2024
IN FAST/17163/2024

THE CIDCO OFFICE AURANGABAD
VERSUS
SHRIKANT DIGAMBAR PANDE AND OTHERS

Mr.Shaikh Mujtaba Gulab Mustafa, Advocate for the applicants.
Mrs.U.S.Bhosale, AGP for the respondent/State.
Mr.S.V.Deshmukh, Advocate for respondent No.1.

(CORAM : KISHORE C. SANT AND
SUSHIL M. GHODESWAR, JJ.)

DATE : 16 APRIL, 2026

PER COURT :

1. Heard the learned Advocates for the respective sides. CA No.4302/2026 is filed for withdrawal of the amount deposited by the respondent/appellant Acquiring Body in the Office of this Court pursuant to the award passed by the learned Civil Judge, S.D. Aurangabad in LAR No.140/2013 alongwith interest. 70% of the amount of award with interest is directed to be deposited by this Court as a condition precedent for grant of stay. The applicant submits that keeping the amount pending with the Court, would be of no use. The amount is towards compensation to which they are entitled. The prayer is, therefore, to allow to withdraw the amount.

2. Application is opposed by the learned Advocate for respondent No.1 Mr.Deshmukh. He submits that the amount of award is more than 4 crores. There are good grounds involved in the appeal. In case the appeal is allowed, it will be difficult to recover the amount.

3. Applicant No.3 / original claimant No.3 died during the pendency of the appeal, after the judgment passed by the Civil Court.

He is having one daughter and one son who are not parties to the proceeding. Applicant No.4 is the wife of the deceased. Applicant Nos. 1 and 2 are his brothers. There is no dispute that they are entitled to get equal share in the property as on today. Since only 70% of the amount is deposited in this Court, this Court intends to allow this application with certain conditions.

4. Considering that the amount is towards compensation and only 70% of the amount with interest is deposited, this Court find that keeping the amount idle in the office of this Court, would not serve any purpose. Hence following order :-

[a] The applicant Nos. 1, 2 and 4 are permitted to withdraw the amount to their extent on furnishing usual undertaking to the extent of 50% of the amount deposited.

[b] For withdrawal of the remaining amount deposited in this Court, they shall furnish solvent security to the satisfaction of the learned Registrar, (Judicial) of this Court.

[c] The amount is allowed to be withdrawn with accrued interest.

[d] The amount to the extent of deceased applicant No.3 is concerned, the same be kept in Fixed Deposit in any nationalised bank

and to be renewed from time to time, till the disposal of this appeal, or till further arrangement.

5. With this, the application stands disposed off.

6. In CA No.4303/2026, a prayer is made to allow to withdraw the amount by transferring the said amount in the joint account of Applicant Nos. 1, 2 and 4 through GPA. The learned Advocate for the applicants also seeks leave to correct the surname of applicant No.4 as “Gaud” instead of “Gaund”. Leave as prayed for, is granted. Correction be carried out within a period of 2 weeks from today.

7. This Court find that there is no difficulty in allowing the civil application. Civil application is, therefore, allowed. The amount as directed to be withdrawn in CA No.4302/2026 be transferred in the joint account of Applicant Nos. 1, 2 and 4.

8. With this CA No.4303/2026 stands disposed off.

(SUSHIL M. GHODESWAR, J.)

(KISHORE C. SANT, J.)