



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

4 CIVIL APPLICATION NO. 4651 OF 2026

IN

FIRST APPEAL NO.394 OF 2021

Prabhakar Dattatrya Kulkarni (died) Thr Lrs Pratibha And Ors.

VERSUS

The State Of Maharashtra Through The Collector Osmababad And Ors.

WITH

CIVIL APPLICATION NO. 4649 OF 2026

IN

FIRST APPEAL NO.376 OF 2021

Sunita Shankar Patil.

VERSUS

The State Of Maharashtra Through The Dist Collector Osmanabad And Ors.

WITH

CIVIL APPLICATION NO. 4650 OF 2026

IN

FIRST APPEAL NO.378 OF 2021

Sudhakar Rama Shelke.

VERSUS

The State Of Maharashtra Through The Collector Osmanabad And Ors.

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Advocate for Applicant : Adv. L. T. Thakur h/f Mr. Patil Laxmikant C.

AGP for Respondents: Mr. S. B. Jadhav

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CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 04.05.2026

PER COURT :

CIVIL APPLICATION FOR WITHDRAWAL OF AMOUNT

1. By these applications, the applicants seek permission to withdraw the amount deposited.

2. Learned counsel for the applicants submits that, pursuant to the award passed by the learned Reference Court, the acquiring body has deposited 50% of the awarded amount. It is further submitted that the applicants are poor agriculturists whose house property came to be acquired and the proceedings are still pending. The applicants have not received compensation for the acquired property.

3. Learned counsel for the acquiring body, Mr. Tambe, strongly opposes the application and submits that if the applicants are permitted to withdraw the amount and if the appeal filed by the acquiring body is allowed, it would be very difficult to recover the said amount.

4. After considering the contents of the application, this Court is of the view that the purpose would be served if the applicants are permitted to withdraw the amount, subject to furnishing an undertaking that in the event the appeal is allowed, they shall redeposit the amount with accrued interest.

5. In view of the above, the application is allowed.

6. The applicants are permitted to withdraw entire amount deposited by the acquiring body, along with accrued interest thereon, subject to filing an undertaking that they shall redeposit the amount with accrued interest, in case the matter is decided against them.

[SIDDHESHWAR S. THOMBRE]
JUDGE