

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.414 OF 2026
IN
FIRST APPEAL [STAMP] NO.25171 OF 2023

Pyarelal Gopichand Mane ... Applicant

IN THE MATTER BETWEEN:

The State of Maharashtra a (through the Executive
Engineer) and another ...Appellants

Versus

Pyarelal Gopichand Mane ... Respondents

Mr. R.S. Alange a/w Mr. V.S. Kupawade, for the Applicant.

Mr. Avinash A. Naik, A.G.P, for Respondent Nos.1 and 2.

CORAM : M. M. SATHAYE, J.

DATE : 9th APRIL, 2026.

P. C. :

1. Heard learned counsel for the parties.
2. This is an Application by Claimant for permission to withdraw the amount deposited by the Appellants (State) pursuant to impugned Judgment and Award.
3. According to office note, the Appellants have deposited the amount.
4. Learned Counsel for the Applicant relies upon the order dated 23.12.2025 passed in Interim Application No.11447 of 2025 in First Appeal [Stamp] No.27917 of 2023 to contend that in other appeals arising out of the same land acquisition, 50% withdrawal is granted by this court.

5. Learned A.G.P fairly accepts that the present Application is arising out of the same land acquisition. He, however, contends that if the amount is withdrawn, it would be difficult to bring back money in case the State succeeds in appeal.
6. Considering the submissions and the order relied upon by the Applicant, case for partial withdrawal is made out.
7. Application is accordingly allowed by passing the following order :
 - (i) Subject to the Applicant filing usual undertaking in the Reference Court stating that the withdrawn amount shall be subject to final outcome of the appeal and it shall be brought back with interest as directed by the court, the Applicant is permitted to withdraw 50% amount deposited (in connection with L.A.R. No.97 of 2011 before Civil Judge, Senior Division at Solapur) alongwith accrued interest, if any.
 - (ii) Rest of the amount be invested as per prevailing practice.
8. This order is passed without prejudice to the rights and contentions of the parties.
9. All concerned to act on duly authenticated or digitally signed copy of this order.

[M. M. SATHAYE, J.]