



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

917 CIVIL APPLICATION NO. 10144 OF 2025
IN FA/215/2026

MALLAKAPPA APPARAO SHIROLE (DIED) THOROUGH LRS
SHAKUNTALA MALKAPPA SHIROLE AND ORS.

VERSUS

THE M.K.V.D.C., THR THE EX. ENGINEER, IRRI. PROJECT
STRENGTHENING NOW OSMANABAD M.P.D. AND ORS

WITH FIRST APPEAL NO. 215 OF 2026
WITH CIVIL APPLICATION NO. 6306 OF 2018
IN FA/215/2026

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Advocate for Applicant : Mr. Ingale Vivekanand V.
AGP for Respondent/s-State : Ms. P. V. Diggikar.
Advocate for Respondent No.1 : Mr. Anil M. Gaikwad.

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

PER COURT :-

1. Heard both sides.
2. Applicants seek to withdraw amount of Rs.5,03,892/- deposited by the respondent/acquiring body.
3. The reliance is placed on the order dated 12.08.2025 permitting the claimants therein to receive 75% amount on certain conditions.
4. Application is contested by the respondents.

5. Present application is squarely covered by the consistent view being taken by this Court. In similarly situated matters, the claimants were permitted to withdraw 75% of the amount on certain conditions. I propose to follow the same course.

6. Civil application is partly allowed permitting the applicants to receive 50% amount with accrued interest on furnishing undertaking and further 25% on furnishing solvent security/surety to the satisfaction of the Registrar (Judicial) of this Court.

7. Balance amount shall be invested in any nationalize bank.

Civil Application for Stay

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

9. Civil application is disposed of.

First Appeal

10. **Admit.**

11. Learned counsel Mr. Ingale waives service of notice for the respondents/claimants.

12. Call for Record and Proceedings from the concerned Court.

13. Print is dispensed with.

(SHAILESH P. BRAHME, J.)

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