

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.**

**937 CIVIL APPLICATION NO. 4394 OF 2023
IN FAST/31423/2019**

Muktaji Jaiwant Chate Died Thr Lrs Suryakant Muktaji Chate And Ors.
VERSUS
The Executive Engineer, Mid (local Sector) Latur, Division Latur And
Anr.

...
Mr. Balbhim R. Kedar - Advocate for Applicant
Mr. D. J. Patil - AGP for Respondent/State
...

CORAM : NEERAJ P. DHOTE, J.

DATED : 16TH APRIL 2025

PER COURT : -

1. This is an Application by the legal heirs of the deceased Muktaji Jaiwanta Chate for withdrawal of the amount deposited by the Acquiring Body / State. The Appeal is filed by the State against the Judgment and Award dated 10.04.2014 passed by the learned Civil Judge Senior Division, Ahmedpur, in L.A.R. No. 30 of 2013. The Acquiring Body has deposited the entire amount in this Court.
2. Heard the learned Advocate for the Applicant and the learned AGP for the State.
3. A copy of the order dated 13th April, 2023 passed by this Court in Civil Application No. 4385 of 2023 in FAST No. 31286 of 2019 is tendered across the bar, whereby this Court has permitted the

Applicants therein to withdraw 75% of the amount along with interest accrued thereon on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court, with a further direction to invest the remaining amount in the FDR in any Nationalized Bank on yearly renewal basis, till the final disposal of the Appeal.

4. There is no dispute that this matter arises out of the same Acquisition Proceedings.

5. There is no impediment to allow this Application and hence, the present Application is allowed in terms of the aforesaid order dated 13th April, 2023, paragraph nos. 5, 6 and 7 of which reads thus :

- “5. *In view of the same, the present applicants are permitted to withdraw 75% of the deposited amounts along with the proportionate interest accrued thereon till date, on usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.*
- 6. *The remaining amounts be invested in FDR in any nationalized bank on yearly renewal basis, till final disposal of these Appeals.*
- 7. *The civil applications are accordingly disposed of.”*

[NEERAJ P. DHOTE]
JUDGE

LATER ON : -

6. It is submitted by the learned AGP that there is technical difficulty that the legal heirs of deceased Muktaji are yet to be brought on

record in the Appeal, which is filed by the Acquiring Body. He submits that he has forwarded the draft of the Civil Application for bringing on record the legal heirs of the deceased Muktaji, to the Acquiring Body and the same is awaited. He submits that he has informed learned Advocate Mr. B. R. Kedar that, he is mentioning/making the aforesaid submissions and requesting for keeping the above order granting withdrawal of amount in abeyance and learned Advocate Mr. B. R. Kedar has no objection.

7. In view of the above, the order passed above granting withdrawal of the amount, is kept in abeyance until further orders.

[NEERAJ P. DHOTE]
JUDGE