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

952 CIVIL APPLICATION NO.4041 OF 2026
IN FA/2318/2019

Rukhmini @ Rukahmin S/o. Bapu Mangle ..Applicant
Versus
The State of Maharashtra,
Thr The Collector, Osmanabad and Ors. ..Respondents

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WITH

CIVIL APPLICATION NO.4040 OF 2026
IN FA/2321/2019

Gopinath Kisan Kharade Died
Thr Legal Repr. Rukhmini and Ors. ..Applicants
Versus

The State of Maharashtra,

Thr Dist Collector, Osmanabad and Ors. ...Respondents

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WITH

CIVIL APPLICATION NO. 4035 OF 2026
IN FA/2317/2019

Bapu Atmaram Mangale. ..Applicant
Versus
The State of Maharashtra
Through Dist Collector Osmanabad and Ors. ..Respondents

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WITH

CIVIL APPLICATION NO.4038 OF 2026
IN FA/2320/2019

Laxman Kisan Kharade. ..Applicant
Versus
The State of Maharashtra,
Thr The Collector, Osmanabad and Ors And Anr. ...Respondents

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WITH

CIVIL APPLICATION NO.4036 OF 2026
IN FA/2319/2019

Deu Kisan Kharade Died
Thr His LRs Devabai Deu Kharade and Ors. .. Applicants

Versus
The State of Maharashtra,
Thr The Collector, Osmanabad and Ors. .. Respondents

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In all the matters

Shri. Vilas M. Humbe, Advocate for Applicants - Claimants
Smt. M. L. Sangit, AGP for Respondent – State.

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CORAM : NEERAJ P. DHOTE, J.
Dated : JUNE 10, 2026

PER COURT :-

. These are the Applications by the Claimants for withdrawal of the amount deposited by the Acquiring Body i.e. State, in the Appeals preferred by the State.

2. Heard both the sides.

3. The learned Advocate for the Claimants tendered across the bar copy of the order dated 21.07.2025 passed by this Court in group of Civil Applications filed in the group of First Appeals, one of which is the Civil Application No.7377 of 2025 in First Appeal No.2569/2024. He submits that, the Claimants are the similarly placed with the Applicants in C.A. No.7377/2025, who are permitted to withdraw 50% amount on furnishing undertaking and 25% amount on furnishing surety / security to the satisfaction of the Registrar (Judicial) of this Court. He submits that, appropriate order be passed.

4. The learned AGP appearing for the State does not dispute that this Court in group of First Appeals filed out of the same acquisition

proceedings have permitted the Claimants therein to withdraw 75% amount. She submits that, since the Appeals are pending, it would not be proper to permit the Claimants to withdraw the amount.

5. Since similarly placed Claimants are permitted to withdraw the amount deposited by the State, the Applicants are entitled for withdrawal on the ground of parity. Hence, the present Applications are allowed in terms of said order dated 21.07.2025 passed in Civil Application No.7377 of 2025 in First Appeal No.2569 of 2024 which reads as under :

"ORDER

(i) Civil applications for withdrawal of amount are partly allowed.

(ii) The applicants shall be entitled to receive 50% of the amount on furnishing undertaking and further 25% of the amount on furnishing surety/security to the satisfaction of the Registrar (Judicial) of this Court.

(iii) Balance amount shall be invested in fixed deposit in any Nationalized Bank till further orders.

(iv) Civil Applications stand disposed of."

6. The Applications stand disposed of accordingly.

(NEERAJ P. DHOTE, J.)

GGP