IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

904 CIVIL APPLICATION NO. 13700 OF 2025
IN FAST/17242/2021

Sarika Nitinkumar Jain And Ors.
VERSUS
The Ex. Engineer, Minor Irrigation Division, Jalgaon
WITH
CIVIL APPLICATION NO.5383 OF 2026
IN FAST/17242/2021
[NOT ON BOARD]

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Mr. P. R. Katneshwarkar, Senior Advocate i/by Mr. Jitendra Vijay Patil, Advocate for Applicant.
Mr. S. N. Kendre, AGP for Respondent-State.
Mr. Ajay D. Pawar, Advocate for Respondent-Acquiring Body.

CORAM : KISHORE C. SANT &
SUSHIL M. GHODESWAR, JJ.

DATE : 5th MAY 2026.

PC :-

1. Not on board. Taken on board.

2. Heard Mr. Katneshwarkar, Senior Advocate for the Applicant, Mr. Kendre, the learned AGP for Respondent-State and Mr. Pawar, the learned Advocate for Respondent-Acquiring Body.

3. The learned Senior Advocate invited attention to the order dated

05.08.2021 passed by this Court. By way of said order, this court directed the Respondent-Acquiring Body to deposit 50% of the amount as awarded by way of impugned judgment and award in First Appeal. After depositing of the amount, the claimants were permitted to withdraw 50% of the amount on a simple undertaking. Remaining 50% of the amount was permitted to be withdrawn on furnishing solvent surety to the satisfaction of the learned Registrar (Judicial) of this Court.

4. In the main matter, the applicants/claimants filed an application today for direction to the acquiring body to deposit the remaining amount, as the acquiring body has failed to deposit the amount as per order dated 05.08.2021 in time. Though the time was granted only till 30.10.2021, the amount is deposited only in the year 2026. Learned Senior Advocate Mr. Katneshwarkar vehemently urged that it is necessary to direct the acquiring body to deposit the amount.

5. Today, affidavit in reply is filed by the Acquiring Body. However, considering that the said application be considered after vacation. So far as deposit of the amount and withdrawal is concerned, this Court finds that already there is an order passed by this Court on 05.08.2021.

Though the learned Advocate Mr. Pawar opposes the withdrawal of the amount, however, this Court do not find any reason to modify the order as the said order was passed after hearing both the parties. There is also clearly stated that the amount is deposited almost after five years of passing of the order. In any case, once the amount is deposited pursuant to the order dated 05.08.2021, it is naturally the claimants would be entitled to withdraw the amount as per the said order. The claimants are, therefore, permitted to withdraw the amount as per order dated 05.08.2021 with accrued interest.

6. Civil Application No.5383 of 2026 stands disposed off.

[SUSHIL M. GHODESWAR, J.] **[KISHORE C. SANT, J.]**

D.A.ETHAPE