

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.8472 OF 2015
IN
FIRST APPEAL (ST.) NO.32024 OF 2014

Digambar Maruti Mule

..APPLICANT

VERSUS

The State of Mah. & anr.

..RESPONDENTS

Mr V.D. Gunale, Advocate for applicant;
Mr P.P. More, A.G.P. for respondent no.1;
Mr S.V. Mundhe, Advocate for respondent no.2

CORAM : N.W. SAMBRE, J.

DATE : 28th July, 2015

ORAL ORDER :

This is an application for withdrawal of the amount deposited in this Court by the acquiring body.

2. The application is objected on behalf of the acquiring body. However, having regard to the fact that the appeal is already admitted on 22nd June, 2015 and the acquisition of the land is pursuant to the notification under section 4 of the Land Acquisition Act which was issued on 1st March, 1996, it will be appropriate, in my opinion, to permit withdrawal to the claimant-land owner, on following terms :-

- I) Of the amount deposited, 50% amount is permitted to be withdrawn by the applicant, subject to furnishing an undertaking that in case the appeal is allowed, he shall re-deposit the amount withdrawn in this Court, with 6% simple interest;
- ii) So far as remaining 50% amount is concerned, it is permitted to be withdrawn on furnishing solvent surety for the like amount, to the satisfaction of the Registrar (Judicial).

Civil Application stands allowed in above terms.

(N.W. SAMBRE, J.)

amj