

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

**CIVIL APPLICATION NO. 10275 OF 2015
IN
FIRST APPEAL NO. 67 OF 2015**

Ramji Laxman Govindwad Died
Through L.Rs. Ganesh and others .. Applicants

Versus

The State of Maharashtra and others .. Respondents

Shri Yogesh P. Deshmukh, Advocate for Applicants.
Shri S. P. Sonpawale, A.G.P. for the Respondent No. 1.
Shri A. R. Kale, Advocate for the Respondent No. 3.

**CORAM : S. V. GANGAPURWALA, J.
DATE : 09TH OCTOBER, 2015.**

PER COURT :

. This is an application for withdrawal of amount. Mr. Kale, the learned counsel for non applicant opposes the application on the ground that, the applicant No. 2 could not have been added as party and if he could not have been added as party, his deposition could not have been considered. The claimants failed to prove market value. The sale deed relied cannot be said to be of similarly situated land.

2. Today the award is in favour of applicants. Considered the

same, I pass the following order.

3. The applicants are allowed to withdraw 50% of the amount deposited on submitting undertaking to this Court that, if the applicants are directed to deposit the amount, they shall deposit the same within a period of one month. The applicants are further allowed to withdraw 25% of the amount deposit on submitting solvent security/surety of like amount. The remaining 25% of the amount deposited be kept in fixed deposit of any nationalized bank. The civil application is disposed of.

[S. V. GANGAPURWALA, J.]

bsb/Oct. 15