

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 530 OF 2017
IN
FIRST APPEAL NO. 2514 OF 2016

Babu Suleman Sayyed
Deceased through LRs

Applicants

Versus

The State of Maharashtra
& another

Respondents

Mr. A.S. Deshpande, advocate for the applicants.
Mr. A.R. Borulkar, AGP for Respondent no. 1.
Mr. S.S. Dande, advocate for respondent no. 2.

WITH
CIVIL APPLICATION NO.527 OF 2017
IN
FIRST APPEAL NO. 2516 OF 2016

Vitthal Mahada Walse
Deceased through LRs

Applicants

Versus

The State of Maharashtra
& another

Respondents

Mr. A.S. Deshpande, advocate for the applicants.
Mr. A.R. Borulkar, AGP for Respondent no. 1.
Mr. S.S. Dande, advocate for respondent no. 2.

WITH
CIVIL APPLICATION NO. 532 OF 2017
IN
FIRST APPEAL NO. 2513 OF 2016

Bhaguram Rama Chame

Applicant

Versus

The State of Maharashtra
& another

Respondents

Mr. A.S. Deshpande, advocate for the applicant.

Mr. A.R. Borulkar, AGP for Respondent no. 1.

Mr. S.S. Dande, advocate for respondent no. 2.

CORAM : R.M.BORDE &

P. R. BORA, JJ.

DATE : 24th MARCH, 2017

PER COURT:

1. Heard.

2. These are the applications tendered by the claimants for withdrawal of the amount deposited by the acquiring body. In view of the order in companion matter which has been dealt with by this Court, the instant applications also can be disposed of in the same terms.

4. In the present matter, the Reference Court has awarded compensation at the rate of Rs. 14/- per sq. ft. In Civil Application No. 9552/2014 (in First Appeal St. No. 5832/2014), wherein the amount of compensation was awarded at the rate of Rs. 12/- per sq. ft., this Court permitted the applicants therein to withdraw the 75% amount out of the total amount deposited.

5. Considering the order passed in above referred matter, we pass following order :

i. The applicants shall be permitted to withdraw 25% of the amount out of the total amount deposited on furnishing personal undertaking to this Court that in the event of success of appeal, they will refund the amount within a period of one month from the date of issuance of such order.

ii. The applicants are permitted to withdraw 50% amount out of the total amount deposited on furnishing bank guarantee.

iii. Balance 25% amount out of the total amount deposited by the acquiring body in this Court, shall be invested in fixed deposit initially for a period of three years and the fixed deposit receipts be renewed thereafter until disposal of appeals.

6. Civil applications stand disposed of accordingly.

(P. R. BORA)
JUDGE

(R.M.BORDE)
JUDGE