

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1) CA NO.5929/2017gr

**923 CIVIL APPLICATION NO. 5929 OF 2017
IN FA/2133/2016
WITH
CA/2435/2017 IN FA/2131/2016**

BABRUWAN NAGNATH GOMARE (DIED) THR MANGAL AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...
Advocate for Applicants : Mr.Manale Satish S
AGP for Respondent State: Mr. P.G.Borade

...
CORAM : P.R. BORA, J.
Dated: June 29, 2017

...

PER COURT :-

1. Learned Counsel for the applicants submits that in companion matters, this Court on 13th of June, 2017 in CA No.2437/2017 has permitted the claimants therein to withdraw 50 per cent of the deposited amount on submitting an undertaking and the balance 50 per cent amount on submitting security to the satisfaction of the Collector. Learned Counsel prayed for passing similar orders in the present applications also. Learned A.G.P. does not dispute correctness of the facts as are stated by the learned Counsel for the applicants. Copy of the order passed by this Court on 13th June, 2017, in CA No.2437/2017 is also placed on record.

2. Perusal of the earlier order passed by this Court

agp/-

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(2)

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shows that in some matters, the Honourable Apex Court has permitted withdrawal of 50 per cent of the amount of enhanced compensation without security and has also permitted the respective claimants to withdraw balance 50 per cent on furnishing security to the satisfaction of the Collector. Based on the said decision, the earlier order was passed. I see no reason to take any contrary view in the present matter also. Hence the following order:

ORDER

1. The Civil Applications for withdrawal of amount are allowed.
2. The claimants in respective applications are permitted to withdraw 50 per cent of the deposited amount without any security on submitting an undertaking to the satisfaction of the Registrar (Judicial) of this Court. Balance 50 per cent amount is permitted to be withdrawn by the claimants on furnishing security to the satisfaction of the Collector, Latur.
3. Civil Applications for withdrawal of amount are disposed of.

(P.R. BORA, J.)

agp/-