

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
909 CIVIL APPLICATION NO. 15356 OF 2017
IN FA/4008/2016 WITH CA/15357/2017 IN FA/4007/2016 WITH
CA/15358/2017 IN FA/4011/2016 WITH CA/15359/2017 IN FA/4010/2016
WITH CA/15360/2017 IN FA/4009/2016

MADHUKAR PANDHARINATH GUNJAL
VERSUS
THE STATE OF MAHARASHTRA AND ORS

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Advocate for Applicants : Mr. Abhijit S. More
AGP for Respondents: Mr. S.R. Yadav.
Adv. for respondent Nos. 3 and 4 :Mr. V.S. Badakh

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CORAM : K. K. SONAWANE, J.
Dated: December 21, 2017
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PER COURT :-

1] Heard learned counsel for the applicant, learned AGP for respondent No.1 and respondent Nos. 3 and 4.

2] These are applications for withdrawal of the amount deposited by the Acquiring Body. The learned counsel for the respondents No. 3 and 4 - Acquiring Body fairly conceded that, requisite order for withdrawal of the amount came to be passed in the companion matters and the claimant/s in that matters were permitted to withdraw the amount. Hence, he requested to pass suitable order in the interest of justice.

3] I have considered submissions advanced on behalf of both side as well as perused the applications. In view of attending circumstances and the similar nature of order passed in companion matters, I do not find any impediment to allow the applications. It is not just and proper to preclude the claimant/s from withdrawing some part of the compensation amount deposited in this Court. It is to be noted that the respondent- Acquiring Body deposited only 60 % of the compensation amount awarded by the Reference Court and withheld the remaining 40 % amount of compensation as

per Order of this Court. In such circumstances, I do not find any impediment to allow the applicants for withdrawal of 90% of the amount deposited in this Court by respondents No. 3 & 4 - Acquiring Body in this case. Therefore, the applicants are hereby permitted to withdraw the 90 % of the amount deposited by respondents No.3 and 4 - Acquiring Body in this case.

4. The Registry to disburse the amount mentioned above in favour of applicants, on furnishing undertaking to the effect that, in case, any adverse situation arises after adjudication of appeal on merit, the applicants will refund the amount within stipulated period as directed by this Court. The balance 10 % amount deposited on behalf of respondents No.3 & 4- Acquiring Body in this case be invested in Fixed Deposit Receipts Account in any Nationalized Bank for a period of two (2) years or till adjudication of appeals on merit, whichever is earlier.

5. Accordingly, civil applications stand disposed of in above terms.

(K. K. SONAWANE, J.)

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grt/-