

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

**CIVIL APPLICATION NO. 4696 OF 2018
IN
FIRST APPEAL NO.3932 OF 2017**

Pradip S/o Dadarao Patil ...Applicant

Versus

The State of Maharashtra and Ors ...Respondents

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Mr. A.S.Deshpande, Advocate for Applicant
Mr. P.G.Borade, A.G.P. for Respondent Nos. 1 and 3
Mr. S.S.Dande, Advocate for Respondent No.2

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**CORAM : S.V.GANGAPURWALA AND
A.M.DHAVAL, JJ.**

DATE: APRIL 06, 2018

PER COURT :

1. This is an application tendered by the claimant for withdrawal of the amount deposited by the acquiring body. In similar matter, we have allowed withdrawal of 75 % of the amount out of total amount deposited on certain condition. We follow the same course.
2. In the present matter, the reference Court has awarded compensation @ Rs.9/- per square feet.

(2)

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

(I) The applicant is permitted to withdraw 25% of the amount out of the total amount deposited on furnishing personal undertaking to this Court that in the event the applicant is directed to deposit the amount, he will refund the amount within a period of one month from the date of issuance of such order.

(II) The applicant is permitted to withdraw further sum of 25% deposited, on furnishing solvent surety in the like amount.

(III) The applicant is permitted to withdraw further sum of 25% out of the amount deposited on furnishing Bank guarantee of a Scheduled Bank or Nationalised Bank in the like amount.

(IV) Balance 25% amount of the total amount deposited by the acquiring body in this Court shall be invested in fixed deposit receipts initially for a period of three years and the fixed deposit receipts be renewed thereafter until disposal of

appeal.

4. Civil Application stands disposed of accordingly.

(A.M. DHAVALA, J.)

(S.V. GANGAPURWALA, J.)

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