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

**CIVIL APPLICATION NO. 4701 OF 2018
IN
FIRST APPEAL NO. 3935 OF 2017**

Dnyanoba S/o Piraji Pitle (Died) Through
LRs Shivkanta W/oDnyanoba Pitle (Died)
Through LRs Pandharinath @ Rajendra
S/o Dnyanoba Pitale and OrsApplicants

Versus

The State of Maharashtra and Anr. ...Respondents

**CIVIL APPLICATION NO. 4702 OF 2018
IN
FIRST APPEAL NO. 3933 OF 2017**

Kadir S/o Fatrumiya Shaikh (Died) Through
LRs Rukhiyabegum W/o Kadir Shaikh
and Ors.Applicants

Versus

The State of Maharashtra and Anr.. ..Respondents

**CIVIL APPLICATION NO. 4703 OF 2018
IN
FIRST APPEAL NO. 3934 OF 2017**

Balu S/o Venkoba Ghodke (Died) Through
LRs Venkat S/o Baburao Ghodake and OrsApplicants

Versus

The State of Maharashtra and Anr. ..Respondents

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In all applications:

Mr. A.S.Deshpande, Advocate for Applicant
Mr. P.G.Borade, A.G.P. for Respondent Nos. 1 and 3.

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(2)

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

DATE: APRIL 06, 2018

PER COURT :

1. These are applications tendered by the claimants for withdrawal of the amount deposited by the acquiring body. In same matter i.e. in Civil Application No. 1404 of 2018 in First Appeal No. 3841 of 2017, 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.

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

(I) The applicants are 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 applicants are directed to deposit the amount, they will refund the amount within a period of one month from the date of issuance of such order.

(3)

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

(III) The applicants are permitted to withdraw further sum of 25% out of the amount deposited on furnishing Bank guarantee of a Scheduled Bank or Nationalized 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 Applications stand disposed of accordingly.

(A.M. DHAVAL, J.)

(S.V. GANGAPURWALA, J.)