

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

26 CIVIL APPLICATION NO. 8511 OF 2018
IN FA/1423/2017

BHALCHANDRA TUKARAM KULKARNI
VERSUS
THE STATE OF MAHARASHTRA AND ANR

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Advocate for Applicant : Mr. Dhanure Bramhanand M.
AGP for Respondent no.1 : Mr. R.B.Bagul
Advocate for Respondent no.2 : Mr. S.S.Dande

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CORAM : SUNIL K. KOTWAL, J.

DATE : SEPTEMBER 3, 2018

O R D E R :

This application is for withdrawal of entire compensation amount deposited in the Court.

2. Heard learned counsel for the applicant, Mr. Bagul, learned AGP for respondent no.1 and Mr. Dande, learned counsel for respondent no.2.

3. After going through the award, it emerges that enhancement @ Rs. 40/- per sq. ft. was allowed by the Reference Court. Accordingly, total compensation of Rs. 3,55,902/- is deposited in the Court. Considering this amount, it is desirable to allow withdrawal

subject to following conditions.

4. Civil Application is allowed. Out of the amount of compensation deposited in the Court, Applicant is allowed to withdraw 50% amount subject to filing written undertaking in the First Appeal to re-deposit the withdrawn amount as and when directed by this Court. Applicants are allowed to withdraw remaining 50% amount on submission of solvent surety to the satisfaction of the Registrar (Judicial). The Registrar (Judicial) to take necessary steps in the matter.

5. Civil Application is disposed of.

[SUNIL K. KOTWAL, J.]

dbm