

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

**937 CIVIL APPLICATION NO. 7597 OF 2018
IN FAST/7893/2017**

VITTHAL BABASAHEB WAGHMARE AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...
Advocate for Applicants : Mr. Arun H. Koralkar
AGP for Respondents: Mr. B.V. Virdhe
Adv. For Respondent 3 : Mr. B.R. Surwase
...

WITH CA/7598/2018 IN FAST/7888/2017
...

CORAM : K.K. SONAWANE, J.

DATED : 19th JUNE, 2018.

Order :-

1. Heard learned counsel appearing for the respective parties.
2. Learned counsel for the applicants has tendered across the bar a Photostat copy of the order dated 22th July, 2017 passed by the Co-ordinate Bench of this Court (Coram : P.R. Bora, J.) in civil application No. 10304 of 2016 with other connected civil applications. He submits that this Court has allowed the respective claimants in the said applications/appeals to withdraw 75% of the amount deposited in this Court on furnishing an undertaking.
3. Learned counsel for the respondent -Acquiring body has opposed for withdrawal of the amount.
4. In view of the fact that in connected matters, this Court has allowed respective claimants to withdraw 75% amount on furnishing undertaking, I do not find any impediment to adopt similar yardstick in present matters. The applicants may be allowed to withdraw 75% amount on certain terms and conditions. Therefore, the applications deserve to be allowed partly.

5. Accordingly, civil applications are allowed partly. The applicants are permitted to withdraw 75% of the amount deposited in this Court on condition of furnishing undertaking to the effect that the applicants would refund the amount so withdrawn in case any contingency arises in this appeal. Rest of 25% balance amount be invested in any Nationalized Bank in fixed Deposit Receipts initially for a period of two years and if so required, to renew the said Fixed Deposit Receipts for further period, till disposal of the appeals.

6. The civil applications are partly allowed in aforesaid terms and stands disposed of accordingly.

[K. K. SONAWANE]
JUDGE

MTK.