

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

939 CIVIL APPLICATION NO. 6556 OF 2018 IN FA/2525/2017

VITTHAL MARUTI MALI AND ANR
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...
941 CIVIL APPLICATION NO. 6558 OF 2018 IN FA/2526/2017

BABA RAMCHANDRA SUTAR
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...
942 CIVIL APPLICATION NO. 6559 OF 2018 IN FA/2522/2017

DNAYANOBA@DNAYANDEV BALBHIM JATKAR
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...
945 CIVIL APPLICATION NO. 7026 OF 2018 IN FA/2523/2017

SHAMRAO MANIK JOSHI
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...
Advocate for Applicants-original claimants : Mr.N.R.Pawade h/f. Mr. L. C. Patil.
AGP for Applicants No.2, 3 : Mr. A. M. Phule.
Advocate for Respondents : Mr. V. S. Badakh.

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CORAM : K.K. SONAWANE, J.

DATED : 15th JUNE, 2018.

Order :-

Heard learned counsel for applicants-original claimants, learned AGP for the respondents No. 1, 2 State of Maharashtra and learned counsel for respondent No.3 – Acquiring Body. Perused the applications.

2. Learned counsel for the applicants-original claimants submits that the coordinate bench of this Court under Order dated 12th October, 2017, passed in Civil Application No. 11766 of 2017 filed in

First Appeal No. 3594 of 2016, allowed the applicants/original claimants therein to withdraw the 100 % of the amount of compensation deposited before the Court on certain terms and conditions. The learned counsel prayed to allow the present applicants-original claimants for withdrawal of the amount on the similar terms and conditions.

3. The learned counsel for respondent-Acquiring Body fairly conceded in regard to the earlier order passed by the coordinate bench of this Court for permission to withdraw the amount by the applicant-claimants of that proceedings.

4. In view of the aforesaid submissions, I do not find any impediment to allow the applicants-original claimants for withdrawal of the amount on the similar terms and conditions. Hence, applications stand allowed. The applicant-original claimants are permitted to withdraw 50 % of the amount of compensation deposited in this Court on furnishing undertaking that any contingency arises after decision of the appeal on merit, the applicant-original claimants would refund the amount forthwith as per directions of this court. The applicants-original claimants are also further permitted to withdraw rest of the 50 % of the amount deposited in this Court on furnishing the bank guarantee of any nationalized/scheduled bank of like amount in this court. Accordingly, the civil applications stand disposed of in above terms. The Registry to do the needful for disbursement of the amount as mentioned above.

[K. K. SONAWANE]
JUDGE

rrd.