

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

922 CIVIL APPLICATION NO. 8101 OF 2018
IN FA/3187/2017

SUMANBAI BHAGCHAND SHELKE
VERSUS
THE STATE OF MAHARASHTRA AND ANR

...
Advocate for Applicants : Mr. Vitthal B. Wayal
AGP for respondents : Ms. S.S.Raut

...
WITH CA/8102/2018 IN FA/3189/2017
WITH CA/8103/2018 IN FA/3188/2017
WITH CA/8356/2018 IN FA/3784/2017

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CORAM : K.K. SONAWANE, J.

DATED : 4th JULY, 2018.

Order :-

1. Heard learned counsel for the applicants and learned AGP for respondent State of Maharashtra. Perused the applications.
2. The present applications are filed seeking permission to withdraw the amount of compensation deposited in this court under Land Acquisition Proceeding. Admittedly, lands of the applicants came to be acquired by the respondent for public purpose. The Reference Court has considered the entire facts and circumstances and partly allowed the reference petition. Pursuant to the order of the Reference Court the respondent Acquiring Body has deposited the entire decretal amount in the appeals.
3. Considering the nature of subject matter, there is no impediment to allow the applicants to withdraw the amount subject to compliance of certain terms and conditions.
4. Accordingly, the application stands allowed. The applicants are permitted to withdraw 50% of the amount on furnishing an undertaking to the effect that in case adverse situation arises in the appeals, the

applicants will refund the amount so withdrawn forthwith as per the directions of this Court. Rest of the 50% amount be allowed to be withdrawn on furnishing solvent security/surety of the like amount to the satisfaction of the Registrar (Judicial) of this Court. Registry to do the needful for disbursement of amount as referred supra, in favour of the applicants.

5. Applications for withdrawal of amount stand disposed of accordingly.

[K. K. SONAWANE]
JUDGE

MTK.