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

**CIVIL APPLICATION NO. 2940 OF 2018**  
**IN**  
**FIRST APPEAL NO.2204 OF 2014**

Pandu Yeshwant Ghodake (Died) LRs and Others      APPLICANTS

VERSUS

The State of Maharashtra and Others      RESPONDENTS

.....  
Mr. Mahendra B. Kolpe, Advocate for the applicants  
Mr. B. V. Virde, AGP for respondent - State  
.....

**[CORAM : SUNIL P. DESHMUKH, J.]**  
**DATE : 16<sup>th</sup> MARCH, 2018**

**ORDER :**

1. Heard learned advocates for the parties.
2. Learned advocate for the applicants submits that the land of the applicants is acquired under the same notification as lands involved in first appeal No. 1214 of 2015 and other first appeals. He submits that applicants' land is from the same village as the one concerned in first appeal No. 1214 of 2015 and other matters referred to above. He submits that in first appeal No. 1214 of 2015 land rate had been demanded @ Rs.11/- per square foot and the court had been pleased to grant compensation @ Rs.9/- per square foot. He further fairly refers

to that although a few first appeals are dismissed, quite a few are yet pending. He further refers to that claimants in the pending first appeals have been allowed to withdraw 75% of the amount deposited in this court, 50% on filing undertaking and 25% on furnishing solvent security.

3. Learned AGP is not in a position to dispute aforesaid position.

4. In the circumstances, the applicants are allowed to withdraw 75% of the amount deposited in this court with accruals thereof. Fifty percent of the amount from deposited amount along with accruals be allowed to be withdrawn by the applicants on furnishing undertaking to the effect that in case decision in appeal goes against their interest, they would deposit the amount within a period of three months from such decision. Twenty five percent of the amount deposited along with accruals thereon be allowed to be withdrawn by the applicants on furnishing solvent security to the satisfaction of Registrar (Judicial).

5. Application is disposed of accordingly.

**[SUNIL P. DESHMUKH, J.]**