

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

**1020 CIVIL APPLICATION NO.3542 OF 2019
IN FA/1891/2017**

**NARSING GOPAL PAWAR (DIED) THR LRS BALAJI
VERSUS
THE STATE OF MAHARASHTRA AND ANR**

...
Advocate for Applicant : Mr. H.V. Tungar
AGP for Respondents/State : Mr. P.M. Kulkarni
Advocate for Respondent No.2 : Mr. S.N. Rodge
...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 2nd AUGUST, 2019.

ORDER :

. Present application has been filed for withdrawal of the amount. Respondent No.1 has deposited amount of Rs.47,85,071/-.

2. The learned Advocate appearing for the applicant prays for withdrawal of entire amount. Learned AGP representing respondent No.1 has strong objection on the ground that if the entire amount is allowed to be withdrawn, then the appeal would become infructuous.

3. The grounds of appeal would show that the State intends to challenge the sale instances which were quoted and produced before the learned Reference Court which have been

taken for as basis for enhancement in the compensation for arriving at the market price.

4. Therefore, taking into consideration the objection, case is made out for partial withdrawal of the amount. Applicant, who has filed the pursis stating that original claimant expired on 04.12.2017 and then he has obtained succession certificate from the competent Court i.e. Civil Judge, Junior Division, Beed, is allowed to withdraw amount of Rs.30,00,000/- subject to giving undertaking within a period of eight weeks that he would make the said amount good, if directed at the time of final disposal of the appeal.

5. Civil Application stands disposed of accordingly.

(Smt. Vibha Kankanwadi, J.)

Shubham/