

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

917 CIVIL APPLICATION NO.4291 OF 2019

IN

FIRST APPEAL (ST) NO. 6199 OF 2018

WITH

CIVIL APPLICATION NO.4292 OF 2019

IN

FIRST APPEAL (ST) NO. 6202 OF 2018

WITH

CIVIL APPLICATION NO.4293 OF 2019

IN

FIRST APPEAL (ST) NO. 6214 OF 2018

WITH

CIVIL APPLICATION NO.4295 OF 2019

IN

FIRST APPEAL (ST) NO. 6445 OF 2018

WITH

CIVIL APPLICATION NO.4296 OF 2019

IN

FIRST APPEAL (ST) NO. 6406 OF 2018

WITH

CIVIL APPLICATION NO.4297 OF 2019

IN

FIRST APPEAL (ST) NO. 6247 OF 2018

HARSING RAMSING RATHOD

VERSUS

THE STATE OF MAHARASHTRA AND ANR

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Advocate for Applicant : Mr. Ajeet B. Kale

A.G.P. For respondent No.1 : Mr. A. M. Phule

Advocate for respondent No. 2 : Mrs. Vaishali D. Jadhav

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CORAM : SUNIL. K. KOTWAL,J.

DATE : 12th April, 2019

PER COURT:

1. Heard learned counsel for applicant/claimants, learned counsel for acquiring body and learned A.G.P for the State.
2. Learned counsel for acquiring body opposes these withdrawal applications on the ground that the judgment passed by this Court in First Appeal No.2536/2015 is challenged by acquiring body before the Apex Court.
3. I have gone through the judgment and award passed by reference court as well as the judgment passed by this Court in First Appeal No.2536/2015 which is subjudiced before the Apex Court.
4. While granting, stay this Court has directed the acquiring body to deposit only 75% amount of compensation awarded by the reference Court. Thus, it reveals that 25% amount of compensation is already safeguarded. In the circumstances, the claimant is permitted to withdraw 50% amount of compensation awarded by reference court with proportionate accrued interest thereon subject to filing of written undertaking within a period of 12 weeks from the date of passing of this order to redeposit the withdrawn amount as and when directed by this Court. Permission is granted to withdraw remaining 25% amount of compensation deposited in this Court subject to filing of solvent surety /security for this amount to the satisfaction of Registrar (Judl)

within a period of 12 weeks from the date of passing of this order.

5. Civil applications are disposed of.

(SUNIL K. KOTWAL, J.)