

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

**1052 CIVIL APPLICATION NO.7495 OF 2019
IN FAST/28479/2017
WITH CA/7492/2019 IN FAST/28482/2017
WITH CA/7493/2019 IN FAST/28485/2017
WITH CA/7494/2019 IN FAST/30759/2017**

**JAGAN TUKARAM TONPE
VERSUS
THE STATE OF MAHARASHTRA AD ORS**

...
Advocate for Applicant : Mr. Patunkar Swapnil S
AGP for Respondent No.1/State : Mr. A.M. Phule
Advocate for Respondent No.3 : Mr. S. B. Pulkundwar
...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 5th JULY 2019

ORDER :

1. Present application has been filed for withdrawal of the amount. The acquiring body has deposited amount of Rs.32,74,843/- in this matter. The land of the present applicant has been acquired. Though the appeal has been filed challenging the quantum, definitely, case is made out for partial withdrawal of the amount. The further fact is also required to be considered is that the appeal has been filed after the delay of 1184 days for which separate application for condonation of delay has been filed that means the present applicant has not got the amount yet. Under such circumstance, as aforesaid, case is made out for

partial withdrawal of the amount.

2. Taking into consideration the amount that has been deposited, the applicant is entitled to withdraw 50% of the amount that has been deposited in this Court subject to giving undertaking within a period of eight weeks that they would make good the said amount, if directed at the time of final disposal of the First Appeal.

3. Civil Application stands disposed of accordingly.

(Smt. Vibha Kankanwadi, J.)

Shubham/