

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

**909 CIVIL APPLICATION NO.12500 OF 2019
IN FAST/ 12146/2019
WITH
CIVIL APPLICATION NO. 12499 OF 2019
IN FAST/12149/2019**

NARAYAN DNYANOBA VEER (DIED) THR LRS KAMAL AND ANR.
VERSUS
THE STATE OF MAHARASHTRA AND ORS.

...

Advocate for Applicants : Mr. Ajeet B. Kale.
AGP for Respondents/State : Mr. R.B. Bagul.

CORAM : MANGESH S. PATIL, J.

DATE : 29/11/2019

PER COURT :

In spite of an order passed on last date nobody is present for the Acquiring Body.

2. The learned advocate for the original claimants points out that in many other connected First Appeals preferred by the Acquiring Body the claimants therein have been allowed to withdraw the amounts deposited by it in this Court. He places on record a copy of the order passed in Civil Application No. 1611/2019 in First Appeal No. 2457/2017 dated 15.02.2019 and submits that similar order may be passed in all these matters.

3. The learned A.G.P requests that a notice be issued to the Acquiring

Body.

4. In my considered view, when the appeals have been filed by the Acquiring Body, there is no reason why a notice is now to be issued to it when in spite of the order passed on the earlier date it has not bothered to engage any advocate.

5. Since *prima faice* in several other appeals the claimants therein have been allowed to withdraw the money as mentioned herein above, even the applicants herein deserve the same treatment.

6. The applications are allowed. The applicants are allowed to withdraw 40 % of the amount deposited in this Court by submitting an undertaking to the satisfaction of the Registrar (Judicial) and 20% of the deposited amount on submitting a solvent surety in the like amount.

7. The applications are disposed of.

(MANGESH S. PATIL, J.)

mkd