

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

**88 CIVIL APPLICATION NO.9395 OF 2019
IN FA/1047/2019**

**SUSHILABAI PRALHADRAO BIRLE
VERSUS
THE CHIEF OFFICER, MAHARASHTRA HOUSING AND AREA
DEVELOPMENT, AURANGABAD AND ANR**

...
Advocate for Applicant : Mr. Gundre Suraj V
AGP for Respondents/State : Mr. A.M. Phule
...

**CORAM : MANGESH S. PATIL, J.
DATE : 15.11.2019**

PC. :-

Heard the learned advocate for the applicant who is the original claimant is seeking withdrawal of the amount deposited by the acquiring body in this Court. None present for the respondent no.1-acquiring body.

2. The learned advocate for the applicant submits that in fact pursuant to the order of this Court on the stay application filed by the acquiring body it was expected to deposit the entire amount of the award together with interest, however only partial amount has been deposited. The applicant may be allowed to withdraw that much at least.

3. The learned advocate further submits that this being a matter

arising from a group of references, some appeals preferred by the acquiring body have gone to the Division Bench and the Division Bench has allowed the claimants therein to withdraw the entire amount of compensation.

4. The learned A.G.P. admits the fact. However submits that in fact the applicant should move for clubbing of this matter with the matters before the Division Bench.

5. Since admittedly the acquiring body has deposited money in this Court and the Division Bench has allowed some of the claimants to withdraw the entire amount of compensation, even the applicant deserves the same treatment.

6. The application is allowed. The applicant is allowed to withdraw the amount deposited in this Court by furnishing usual undertaking.

[MANGESH S. PATIL, J.]