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

**937 CIVIL APPLICATION NO.467 OF 2019
IN FA/228/2017**

ASHOK GOVARDHAN JAMALE AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ORS

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Advocate for Applicants : Mr. Kale Ajeet B.
AGP for Respondents : Mr. P.M. Kulkarni
Advocate for Respondent No.3 : Mr. B.R. Surwase

WITH

**948 CIVIL APPLICATION NO.544 OF 2019
IN FA/229/2017 WITH CA/547/2019 IN FA/232/2017 WITH
CA/549/2019 IN FA/233/2017 WITH CA/550/2019 IN
FA/236/2017 WITH CA/551/2019 IN FA/235/2017 WITH
CA/552/2019 IN FA/231/2017**

DAGADU BHAU DHUMAL DIED HIS LRS KAKASAHEB DAGUADU
DHUMAL
VERSUS
THE STATE OF MAH THR. COLLECTOR, OSMANABAD AND ORS

...

Advocate for Applicant : Mr. Kale Ajeet B.
AGP for Respondents : Mr. P.M. Kulkarni
Advocate for Respondent No.3 : Mr. B.R. Surwase

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**CORAM : P.R. BORA, J.
DATED : 09th JANUARY, 2019.**

PER COURT:-

1. Heard Shri A.B. Kale, the learned counsel appearing for the applicant and Shri B.R. Surwase, the learned counsel appearing for the acquiring body.

2. The applicants have sought withdrawal of

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the entire amount as has been deposited by the acquiring body in this Court. The learned counsel for the acquiring body has opposed the request. The learned counsel for the acquiring body submitted that the reference Court has enhanced the amount of compensation arbitrarily and by making wrong categorization of the lands.

3. I have perused the impugned judgment. After having considered the submissions made by the learned counsel and after having perused the impugned judgment as well as the grounds of objections raised in exception to the said judgment, I deem it appropriate to pass the following order:

ORDER

- i) The applications are partly allowed.
- ii) The applicants are permitted to withdraw 50% of the deposited amount on submitting an undertaking to the satisfaction of the Registrar of this Court.
- iii) The applicants are further permitted to withdraw 25% of the deposited amount on submitting solvent surety/security in the like amount to the satisfaction of the

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Registrar of this Court.

- iv) Balance 25% of the amount be invested in Fixed Deposit Receipt in any nationalized bank for the further period till disposal of the appeal.
- v) Civil applications for withdrawal of amount stand disposed of in the aforesaid terms.

(P.R. BORA, J.)

Mujaheed//