

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**1025 CIVIL APPLICATION NO.1611 OF 2019
IN FA/2457/2017**

BALIRAM GANPATI MALI AND ANR.
VERSUS
THE STATE OF MAHARASHTRA AND ORS.

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Advocate for Applicants : Shri Ajeet B. Kale
AGP for Respondents – State : Shri A.M.Phule
Advocate for Respondent No.3 : Shri S.G.Sangle

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**WITH CA/1612/2019 IN FA/1601/2018
WITH CA/1613/2019 IN FA/2217/2017
WITH CA/1614/2019 IN FA/2453/2017
WITH CA/1615/2019 IN FA/2455/2017
WITH CA/1616/2019 IN FA/2458/2017
WITH CA/1617/2019 IN FA/2468/2017
WITH CA/1618/2019 IN FA/2459/2017
WITH CA/1619/2019 IN FA/2462/2017
WITH CA/1620/2019 IN FA/2469/2017
WITH CA/1621/2019 IN FA/2460/2017
WITH CA/1622/2019 IN FA/2470/2017
WITH CA/1623/2019 IN FA/2456/2017
WITH CA/1624/2019 IN FA/4745/2017**

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CORAM : P.R.BORA, J.
DATE: 15th February, 2019

PER COURT:-

1 Heard Shri A.B.Kale, learned Counsel appearing for the applicants, Shri S.G.Sangle, learned Counsel for the Acquiring Body and Shri A.M.Phule, learned AGP appearing for the State. Perused the impugned Judgments and grounds of objection raised in exception to the impugned Judgments.

2 It is brought to my notice that in connected appeals arising out of the same acquisition proceeding, this Court (Coram: A.M.Dhavale, J.) vide order passed on 30.07.2018, has permitted

the claimants therein to withdraw 40% of the deposited amount on submitting an undertaking to the satisfaction of the Registrar (Judicial) of this Court and 20% of the deposited amount on submitting solvent surety in the like amount to the satisfaction of the Registrar (Judicial) of this Court. The learned Counsel for the applicants has prayed for passing similar order in the present matters.

3 In view of the submission so made, the following order is passed:-

ORDER

I) The applicants - claimants are permitted to withdraw 40% of the deposited amount on submitting an undertaking to the satisfaction of the Registrar (Judicial) of this Court.

II) The applicants are permitted to withdraw further 20% of the deposited amount on submitting solvent surety in the like amount to the satisfaction of Registrar (Judicial) of this Court.

III) Balance 40% amount be invested in the Fixed Deposit Receipt in any Nationalized Bank for the period till disposal of the appeals.

IV) The applications for withdrawal of the amount stand disposed of.

(P.R.BORA)
JUDGE