

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

905 CIVIL APPLICATION NO.13014 OF 2019
IN FA/214/2011

KEDAR GANESHLAL TAPADIYA
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...

Advocate for Applicant : Mr. More Kumar Gaurav M. & Mr. A.B. Kale
AGP for Respondents/State : Mr. R.B. Bagul
Advocate for Respondents : Mr. S.G. Bhalerao for R/3

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CORAM : MANGESH S. PATIL, J.
DATE : 07.11.2019

PC. :-

This Civil Application has been filed by the respondents who are the original claimants seeking withdrawal of the amount of the compensation deposited pursuant to the award and the judgment and order.

2. The learned advocate for the applicants submits that in a sister proceeding arising out of the same group in First Appeal (Stamp) No. 36943 of 2016 this Court by the order dated 18.03.2019 has allowed the claimants therein to withdraw 75% amount of the compensation subject to furnishing an undertaking to deposit the money back and the remainder of 25% has been allowed to be withdrawn by furnishing solvent surety / security and the same

order may be passed.

3. The learned advocate for the respondent no.3-acquiring body strongly opposes the request.

4. I find no justifiable reason not to allow the applicants to withdraw the money when similar other claimants have been allowed to withdraw the compensation.

5. In view of above the applicants are allowed to withdraw 75% of the amount of compensation deposited in this Court on furnishing an undertaking to deposit the amount back as and when directed by this Court. They are further allowed to withdraw 25% of the amount on furnishing solvent surety to the satisfaction of the Registrar (Judicial).

6. The Civil Application is disposed of.

[MANGESH S. PATIL, J.]