IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

43 CIVIL APPLICATION NO.13821 OF 2019
IN FA/3254/2016
WITH CA/13822/2019 IN FA/3253/2016
WITH CA/13823/2019 IN FA/3257/2016
WITH CA/14018/2019 IN FA/3264/2016
WITH CA/14019/2019 IN FA/3262/2016
WITH CA/14020/2019 IN FA/3259/2016
WITH CA/14021/2019 IN FA/3256/2016
WITH CA/14022/2019 IN FA/3258/2016
WITH CA/14023/2019 IN FA/3255/2016

JAGANNATH KAUTIK SAIDANE
VERSUS
THE STATE OF MAHARASHTRA AND ORS
...
Advocate for Applicant : Suryawanshi Vaishali B and Mr. D. B .Pokale, in respective applications.
AGP for Respondents No. 1 & 2 : Mr. Y.G. Gujrathi and S.N. Morampalle in respective applications.
Advocate for Respondent No. 3 : Mr. Subhash Chillarge.

CORAM : MANGESH S. PATIL, J.
DATE : 12/12/2019

PER COURT :

Heard both the sides.

2. These are the applications by the original claimants seeking withdrawal of the amount deposited in this Court.

3. The learned advocate for the Acquiring Body, which has preferred the appeal submits that the Reference Court has awarded the compensation exorbitantly without any reason. It has relied upon only one sale-deed that too in respect of the house property. He further submits that the claimants have already withdrawn in the range of 15 % to 25 % of the amount from the Executing Court.

4. The learned advocate for the claimants admit that the claimants have withdrawn part of the amount deposited in the Trial Court and such withdrawal range from 15 % to 25 %.

5. Without indulging into meticulous calculations, taking into account the reasons assigned by the Reference Court and the aforementioned submissions, the applicants can be allowed to withdraw 50 % of the amount deposited in this Court.

6. The applications are allowed. The applicants are allowed to withdraw 50 % of the amount deposited in this Court, 25 % by furnishing undertaking in usual terms and 25 % by furnishing solvent security.

7. The Civil Applications are disposed of.

(MANGESH S. PATIL, J.)

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