

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

**909 CIVIL APPLICATION NO.3143 OF 2020
IN FA/2567/2019**

**SIDRAM RAWAJI PATIL (DIED) THR. L.RS.
SHAHAJIRAO S/O SIDRAM PATIL AND ORS.
VERSUS
THE STATE OF MAHARASHTRA AND ANR.**

.....

Mr. G.K.Sontakke, Advocate for Applicants.
Mr. P.M.Kulkarni, A.G.P. for R – 1.
Mr. S.G.Sangle, Advocate for R – 2.

.....

**CORAM : V.L.ACHLIYA, J.
DATE : 16/12/2020**

.....

ORAL ORDER :

1. Heard learned counsel for applicants and counsel representing the appellant/acquiring body.
2. The applicants i.e. legal representatives of deceased applicant Sidram Rawaji Patil have preferred this application seeking permission to withdraw the amount deposited before the Reference Court by non-applicants along with interest.
3. In Civil Application No. 3142 of 2020 in First Appeal No. 2567 of 2019 separate order has been passed to substitute their names as legal representatives of deceased applicant Sidram Rawaji Patil.

4. Learned counsel for applicants submits that vide order dated 11/10/2019 passed by this Court [CORAM : V.V.KANKANWADI, J.] in Civil Application No. 6127 of 2019 in First Appeal No. 2570 of 2019 and group of matters arising out of same acquisition allowed the applicant to withdraw 50% of the amount deposited. Learned counsel submits that case of the applicants stands at par with those claimants and urged to permit the applicants to withdraw the amount to the extent of 50% on furnishing undertaking.

5. Mr. Sangle, learned counsel for appellant/acquiring body submits that appropriate order may be passed in the matter.

6. On due consideration of submissions advanced, I am of the view the applicants deserves to be permitted to withdraw the amount to the extent of 50%. Hence, the following order.

ORDER

[i] The application is allowed.

[ii] The applicants are permitted to withdraw the amount to the extent of 50% of the amount deposited on furnishing written undertaking that in the event the Award is set aside or modified, the applicants shall re-deposit the amount within eight weeks from today.

[iii] The payment to be made subject to out-come of Appeal.

[iv] After making payment to the extent of 50%, the balance amount be invested in fixed deposit in any Nationalized bank.

7. The application is disposed of in above terms.

[V.L.ACHLIYA]
JUDGE

KNP