

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

923 CIVIL APPLICATION NO.1490 OF 2019  
IN FA/4158/2016 WITH X-OBJ(ST)/4268/2019 IN FA/4158/2016

ARUN SITARAM KHADKE (DIED) LRS KAVITA AND ORS  
VERSUS  
THE AREA MANAGER, M.I.D.C., JALGAON AND ORS

\*\*\*  
Advocate for Applicants : Mr Ajeet B. Kale  
Advocate for Respondent No.1 : Mr S.S. Dande  
AGP for Respondent Nos. 2 and 3 : Mr A.M. Phule

**CORAM : SHRIKANT D. KULKARNI, J.**

**DATE : 27<sup>th</sup> OCTOBER, 2021**

**PER COURT :**

1. It is an application for withdrawal of amount moved by the applicants.
2. Heard the learned counsel Mr A.B. Kale for the applicants, Mr Dande, learned counsel appearing for acquiring body/respondent No. 1 and Mr Phule, learned A.G.P. for respondent Nos. 2 and 3.
3. Perused the copies of the orders passed by this court in Civil Application No. 1493/2019 in First Appeal No. 4107/2016 and Civil Application No. 2982/2021 in First Appeal No. 4159 of 2016 with connected matters arising out of same land acquisition proceedings wherein this court was pleased to allow the applicants/claimants to withdraw the amount on condition to furnish security/bank guarantee and usual undertaking.
4. Mr Dande, learned counsel for respondent No.1/acquiring body and learned A.G.P. for State/respondent Nos. 2 and 3 opposed to allow

this application whereas Mr A.B. Kale, learned counsel for the applicants urged to allow this application in view of the orders passed earlier by this court referred above.

5. There is no reason to take different view. By endorsing the same view, it would be appropriate to allow this application for withdrawal of amount, however, on certain conditions which would take care of apprehension raised by the acquiring body and the State. With this, I conclude and proceed to pass the following order :-

**ORDER**

- (I) The application is hereby allowed in terms of prayer clause 5(B).
- (II) The applicants shall furnish usual undertaking with the Registrar (Judicial) of this court to withdraw 25 % of the amount deposited by the acquiring body.
- (III) The applicants are further permitted to withdraw 75% of deposited amount on furnishing solvent surety/security/bank guarantee of any Nationalized Bank/Scheduled Bank in the like amount.
- (IV) The Civil Application is accordingly disposed of.

**[ SHRIKANT D. KULKARNI, J. ]**