

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

926 CIVIL APPLICATION NO.1630 OF 2020
IN FA/2875/2019 WITH CA/1633/2020 IN FA/3109/2019 WITH
CA/1631/2020 IN FA/2878/2019 WITH CA/1639/2020 IN
FA/3126/2019 WITH CA/1637/2020 IN FA/3124/2019 WITH
CA/1640/2020 IN FA/3127/2019 WITH CA/1641/2020 IN
FA/2877/2019 WITH CA/1629/2020 IN FA/2876/2019 WITH
CA/1635/2020 IN FA/3110/2019 WITH CA/1636/2020 IN
FA/3112/2019 WITH CA/1632/2020 IN FA/2879/2019 WITH
CA/1638/2020 IN FA/3125/2019

JARICHAND BABURAO WADANE
VERSUS
THE STATE OF MAHARASHTRA AND ANR

Mr.M.P. Tripathi, Advocate for the applicants.
Mr.P.M. Kulkarni, AGP for respondent/State.
Mr.S.G. Sangle, Advocate for respondent No.2.

CORAM : V.L. ACHLIYA, J.
DATE : 05.02.2021

PC :-

01. The applicants-claimants have moved these applications seeking withdrawal of amount in respective appeals.

02. In brief, it is contention of the learned counsel for the applicants-claimants that the appeals were settled in Lokadalat, held on 17.03.2019 and disposed of as withdrawn. In view of dismissal of appeals, the applicants in their respective appeals are entitled to withdraw the amount deposited by appellant –

acquiring body.

03. Mr. Sangle, learned Counsel, whose name is shown as advocate appearing for the acquiring body in the disposed of appeals, submits that now he is not on the panel of Advocates of the appellant-acquiring body. He submits that as appeals were disposed of as withdrawn in Lokadalat, the applicants are not required to file applications seeking withdrawal and they can directly approach the Registry for withdrawal of the amount.

04. Learned Counsel for the applicants submits that in the order dated 17.03.2019 passed in Lokadalat, no order passed as to payment of amount deposited by the appellant to the claimants in respective appeals and therefore the applicants have filed these applications.

05. On due consideration of submissions advanced, I am of the view that the applicants deserve to be permitted to withdraw the amount, in view of dismissal of appeal as withdrawn in Lokadalat held on 17.03.2019. Since there is no order of payment of amount to the applicants, it is necessary to pass order as to the payment of amount deposited by the appellant – acquiring body.

06. Accordingly, the applications are allowed in terms of prayer clause (B) in respective applications. The amount deposited in appeals be paid to respective claimants together with interest accrued over the amount deposited and invested in fixed deposit. The amount be paid to the respective claimants by transferring the amount in their respective savings bank account on furnishing particulars of their bank accounts.

07. The applications are disposed of in above terms.

[V.L. ACHLIYA,J.]