

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 6553 OF 2020
IN FA ST.NO.1790 OF 2019
SHANTAPPA BHIMANNA MULAJE (DIED) HIS LRS. VS. THE STATE
OF MAHARASHTRA, THR. COLLECTOR AND ORS.
WITH
CIVIL APPLICATION NO. 6555 OF 2020
IN FA ST.NO.1774 OF 2019
CHANDULAL RAHEMAN KURNE (DIED) HIS LRS. VS. THE STATE OF
MAHARASHTRA, THR. COLLECTOR AND ORS.
WITH
CIVIL APPLICATION NO. 6556 OF 2020
IN FA ST.NO.1776 OF 2019
SUBHASH SIDRAM JEURE (DIED) HIS LRS. VS. THE STATE OF
MAHARASHTRA, THR. COLLECTOR AND ORS.
WITH
CIVIL APPLICATION NO. 6557 OF 2020
IN FA ST.NO.1791 OF 2019
VISHWANATH BALWANT POTDAR (DIED) HIS LRS. VS. THE STATE
OF MAHARASHTRA, THR. COLLECTOR AND ORS.

Mr.A.B. Kale, Advocate for the applicants.
Mr.R.D. Sanap, AGP for respondent/State.
Mr.V.S. Badakh and Mr. G.B. Rajale, Advocate for R-3.

CORAM : N.J.JAMADAR, J.
DATE : 04.03.2021

PC :-

01. These applications are preferred seeking permission to withdraw the amount deposited by the appellant in terms of judgment and award dated 13.08.2013 in LAR No.384 of 2010 and connected matters.

02. By an order dated 23.10.2020, this Court had

permitted the claimants-respondents therein to withdraw the amount subject to certain conditions.

03. These appeals and applications arise out of the same acquisition proceeding.

04. By said order this Court had permitted the claimants to withdraw 75% of the amount subject to following condition :-

"Out of the compensation amount deposited before this Court, the applicants/original claimants are permitted to withdraw 25% amount on furnishing undertaking to the satisfaction of the Registrar (Judicial) of this Court, 25% of the amount on furnishing solvent surety or solvent security to the satisfaction of the Registrar (Judicial) of this Court and further 25% amount on furnishing bank guarantee of any scheduled bank to the satisfaction of the Registrar (Judicial) of this Court."

05. Learned Counsel for the applicants submits that the claimants in these applications find it onerous to satisfy the condition of furnishing solvent surety or security and bank guarantee to the extent of 25% of the amount. Learned Counsel for the claimants thus submits that the claimants be allowed to withdraw 50% of the amount on an undertaking.

06. In the backdrop of the aforesaid submissions and the stated difficulty in obtaining solvent surety or

security or bank guarantee, the prayer to release 50% of the amount on undertaking appears reasonable.

Hence, following order :-

All the applications are hereby allowed.

Out of the compensation amount deposited before this Court, the applicants/original claimants are permitted to withdraw 50% amount on furnishing undertaking to the satisfaction of the Registrar (Judicial) of this Court.

The remaining 50% amount shall be kept in FDR.

07. All the Civil Applications are accordingly disposed of.

[N.J.JAMADAR,J.]