

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.4407 OF 2021
IN FAST/23186/2017

MAHADU SOPAN PHULE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. V. D. Gunale
AGP for Respondent No.1 : Mr. Y. G. Gujrathi
Advocate for Respondent No.2 : Mr. S. C. Arora

...
WITH CA/4408/2021 IN FAST/23284/2017
...

CORAM : ANIL S. KILOR, J.
DATE : 8th APRIL, 2021

PER COURT :-

The present applications are moved by the applicants-original claimants seeking permission for withdrawal of the amount deposited by the appellant-Acquiring Body in pursuance of the Judgment and Award dated 13-03-2012 passed by the 4th Joint Civil Judge, Senior Division, Latur, in Land Acquisition References No. 684 and 683 of 2000.

2. I have heard learned counsels for the respective parties.

3. Mr. Gunale, learned counsel for the applicants-original claimants submits that applicants have no source of income and they are in dire need of money. He further submits that the appellant-Acquiring Body has deposited the entire amount under Award pursuant to order passed by the Reference Court. Hence, he prayed that the applicants be permitted to withdraw the decretal amount deposited by the appellant in this Court.

4. On the other hand, Mr. Arora, learned counsel for the respondent No.2 Acquiring Body and learned AGP for respondent No.1 strongly oppose the applications, orally.

5. After going through the impugned Judgments and Awards and after considering the rival contentions of the parties, at this stage, I am of the opinion that the justice would be subserved, if the applicants are permitted to withdraw 50% of the total amount deposited by the appellant-Acquiring Body; on furnishing undertaking to the satisfaction of the Registrar (Judicial) of this Court.

6. In the circumstances, I pass the following order :-

ORDER

(i) The civil applications are partly allowed.

(ii) The applicants-claimants are permitted to withdraw 50% of the total amount deposited in this Court on furnishing undertaking that in case the appellant - Acquiring Body succeeds in the present appeals, the applicants would pay back / redeposit the said amount as directed by this Court within stipulated period.

7. Civil Application stands disposed of accordingly.

(ANIL S. KILOR)
JUDGE

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