

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

938 CIVIL APPLICATION NO.5886 OF 2020
IN FA/1895/2019 WITH CA/5884/2020 IN FA/1893/2019 WITH
CA/5885/2020 IN FA/1894/2019

PRALHAD ANANDRAO SAPKALE (DIED) THR LRS SHUSHILABAI
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, OSMANABAD
AND ORS

...
Advocate for Applicants : Mr. Patil Laxmikant C.
AGP for Respondents/State : Mr. M.M. Nerlikar
Advocate for Respondents : Mr. A.S. Shelke for R/3
...

CORAM : M.G. SEWLIKAR, J.
DATE : 07.01.2021

PC.:-

Heard Shri Patil learned counsel for the applicants, Shri A.S.Shelke learned counsel for the acquiring body and Shri M.M. Nerlikar learned AGP for the State. Learned counsel Shri Patil seeks withdrawal of the entire amount. Having regard to the facts involved in the petition, I deem it fit to allow the applicants to withdraw 75% of the compensation amount deposited by the State Government.

2. The applicants are allowed to withdraw 50% of the amount deposited by the acquiring body in this court subject to condition that the applicants shall furnish an undertaking to the satisfaction of the Registrar

(Judicial) of this Court, to the effect that in case adverse situation arises after adjudication of the appeal on merit, in favour of appellant acquiring body, the applicants will refund the amount forthwith as per the directions of this Court. Rest of the 25% amount be allowed to be withdrawn by the applicant on furnishing solvent surety. Balance 25% of the amount deposited on behalf of appellant acquiring body be invested in any nationalized bank for a period of two years or till adjudication of appeal on merit, whichever is earlier. Registry to do the needful for disbursement of amount as referred supra, in favour of the applicants as per rules. Applications for withdrawal of amount stand disposed of accordingly.

[M.G. SEWLIKAR, J.]