

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

**CIVIL APPLICATION NO.4612 OF 2021
IN FA/2803/2017**

**BHIMRAO YESBA SURVASE (DIED), THROUGH LRS. LAXMIBAI
BHIMRAO SURVASE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR,
OSMANABAD AND ANOTHER**

Mr.A.S.More, Advocate for applicants
Mr.S.S.Dande, AGP for respondent no.1
Mr.J.R.Patil, Advocate h/f. Mr.G.B.Rajale, Advocate for respondent
no.2

**CORAM : R.G. AVACHAT, J.
DATE : JULY 09, 2021**

ORDER :-

Heard.

2. For the reasons given in the application, the same is
allowed in terms of prayer clause (B).

[R.G. AVACHAT, J.]

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

CIVIL APPLICATION NO.4611 OF 2021
IN FA/2803/2017

BHIMRAO YESBA SURVASE (DIED), THROUGH LRS. LAXMIBAI
BHIMRAO SURVASE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR,
OSMANABAD AND ANOTHER

AND
CIVIL APPLICATION NO.4619 OF 2021
IN FA/2789/2017

AND
CIVIL APPLICATION NO.4615 OF 2021
IN FA/2801/2017

AND
CIVIL APPLICATION NO.4617 OF 2021
IN FA/2802/2017

AND
CIVIL APPLICATION NO.4610 OF 2021
IN FA/2792/2017

AND
CIVIL APPLICATION NO.4609 OF 2021
IN FA/2791/2017

AND
CIVIL APPLICATION NO.4613 OF 2021
IN FA/2790/2017

Mr.A.S.More, Advocate for applicants
Mr.S.S.Dande, AGP for respondent no.1
Mr.J.R.Patil, Advocate h/f. Mr.G.B.Rajale, Advocate for respondent
no.2

CORAM : R.G. AVACHAT, J.

DATE : JULY 09, 2021

ORDER :-

Heard.

2. Learned counsel for respondent no.2 - acquiring body has reservations to allow the applications for withdrawal of amount deposited in this Court.

3. Pursuant to the order dated 13.06.2017 passed by this Court (Coram:P.R.Bora, J.), the respondent-acquiring body has deposited 75% of the amount under the award. It is informed by learned counsel for the applicants that the acquiring body has deducted the amount towards interest component in view of the judgment of this Court in the case of **State of Maharashtra Vs. Kailash Shiva Rangari, AIR 2016 BOMBAY 141**. As such, the amount deposited in this Court comes to 65% of the amount under the award.

4. In the aforesaid factual backdrop, the applicants are permitted to withdraw the entire amount deposited in this Court. Fifty percent thereof be paid to the applicants on

execution of an undertaking to the satisfaction of learned Registrar (Judicial) of this Court and remaining 50% amount be paid on furnishing solvent security to the satisfaction of the same authority.

5. The applications stand disposed of accordingly.

[R.G. AVACHAT, J.]

KBP