

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

CIVIL APPLICATION NO. 5756 OF 2021
IN
FIRST APPEAL ST.NO.11474

Namdev Ramkrishna Shinde

..Applicant

Versus

The State of Maharashtra and ors.

..Respondents

Mr L.C. Patil, Advocate for applicant
Mr S.S. Dande, A.G.P. for respondents no.1 and 2
Mr A.D. Gadekar, Advocate for respondent no.3

AND
CIVIL APPLICATION NO.5758 OF 2021
IN
FIRST APPEAL ST.NO. 12371 OF 2019

Vitthal Ramkrushna Shinde

..Applicant

Versus

The State of Maharashtra and ors.

..Respondents

Mr L.C. Patil, Advocate for applicant
Mr S.S. Dande, A.G.P. for respondents no.1 and 2
Mr A.D. Gadekar, Advocate for respondent no.3

AND
CIVIL APPLICATION NO. 5759 OF 2021
IN
FIRST APPEAL ST.NO. 12366 OF 2019

Sandip Ramkrishna Shinde

.. Applicant

Versus

The State of Maharashtra and ors.

..Respondents

Mr L.C. Patil, Advocate for applicant
Mr S.S. Dande, A.G.P. for respondents no.1 and 2
Mr A.D. Gadekar, Advocate for respondent no.3

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 3rd July 2021

PER COURT :

1. These applications are moved by the applicants/original claimants for withdrawal of the amount deposited by the acquiring body in this Court.
2. Heard Mr L.C. Patil, learned Advocate for the applicants/original claimants, Mr. S.S. Dande, learned A.G.P. for respondents no.1 and 2 and Mr A.D. Gadekar, learned Advocate for respondent no.3.
3. Perused the impugned judgment and award passed by Civil Judge, Senior Division, Bhoom, District Osmanabad in L.A.R. No.267/2014, L.A.R. No. 265/2014, and LA.R. No. 263/2014 dated 17.11.2016, respectively.
4. At this juncture, it would not be just and proper to go into the merits of the appeals regarding determination of the market price of the lands acquired. As per the practice followed by this Court in number of matters regarding withdrawal of amount in land acquisition cases, this Court used to allow withdrawal of 75% amount deposited. This course is, therefore, needs to be adopted in absence of any change in circumstances. With this, I conclude and proceed to pass the following order :

- ORDER -

- (i) Civil Applications for withdrawal of amount are hereby allowed.
- (ii) The applicants/original claimants are hereby permitted to withdraw 50% of the amount deposited by the acquiring body/respondent no.3 in this Court, on furnishing usual undertaking with the Registry.
- (iii) The applicants/original claimants are further permitted to withdraw 25% of the amount deposited by the acquiring body/respondent no.3 on furnishing solvent surety/security to the satisfaction of Registrar (Judicial) of this Court.

5. Civil Applications stand disposed of accordingly.

(SHRIKANT D. KULKARNI, J.)

VVR