

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

CIVIL APPLICATION NO. 5754 OF 2021
IN
FIRST APPEAL NO. 1142 OF 2020

Vasudeo s/o Gundopant Shinde

..Applicant

Versus

The State of Maharashtra and ors.

..Respondents

Mr L.C. Patil, Advocate for applicant

Mr Y.G. Gujarathi, A.G.P. for respondents no.1 and 2

Mr B.R. Surwase, Advocate for respondent no.3

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 3rd July 2021

PER COURT :

1. It is an application moved by the applicant/original claimant for withdrawal of the amount deposited by the acquiring body in this Court.
2. Heard Mr L.C. Patil, learned Advocate for the applicant/original claimant, Mr. Y.G. Gujarathi, learned A.G.P. for respondents no.1 and 2 and Mr B.R. Surwase, 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.262/2014 dated 13.06.2016.
4. At this juncture, it would not be just and proper to go into the merits of the appeal 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 Application for withdrawal of amount is hereby allowed.
 - (ii) The applicant/original claimant is 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 applicant/original claimant is 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 Application stands disposed of accordingly.

(SHRIKANT D. KULKARNI, J.)

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