

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

**CIVIL APPLICATION NO. 5769 OF 2021
IN
FIRST APPEAL (STAMP) NO. 6607 OF 2020**

Dinkar Limraj Padwal (dead)
Through L.Rs.

... Applicants

Versus

The State of Maharashtra
and others

... Respondents

....

Mr. Laxmikant C. Patil, Advocate for the Applicant
Mr. S.S. Dande, AGP for Respondent Nos.1 and 2 / State
Mr. Umakant P. Giri, Advocate for Respondent No.3

....

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 03rd JULY, 2021

PER COURT:-

1. It is an application for withdrawal of amount moved by the applicants / original claimants.
2. Heard Mr. Laxmikant C. Patil, learned counsel for the applicants / original claimants, Mr. S.S. Dande, learned counsel appearing for respondent Nos.1 and 2 / State and Mr. Umakant P. Giri, learned counsel for respondent No.3 / acquiring body.
3. Mr. L.C. Patil, learned counsel for the applicants invited my attention to the copy of the order passed by this Court (Coram : R.G. Avachat, J.) in Civil Application No.4642 of 2021 in First Appeal (Stamp) No.6593 of 2020 dated 11.06.2021. Mr. Patil, learned counsel for the applicants / original claimants submits that above said order has

been passed arising out of same award passed by the Reference Court and the same course needs to be followed in the matter.

4. Mr. Umakant Giri, learned counsel for the acquiring body fairly submits that this Court has passed the order on 11.06.2021 regarding withdrawal of 70% amount, which is arising out of the same award passed by the Reference Court.

5. In view of the submissions of both the sides, I proceed to pass the following order:

ORDER

(i) The application moved by the applicants / original claimants for withdrawal of amount is hereby allowed.

(ii) The applicant are permitted to withdraw 50% of the amount deposited by the acquiring body in this Court on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.

(iii) They are further permitted to withdraw 20% of the amount deposited by the acquiring body on furnishing solvent surety / security in the like amount to the satisfaction of the Registrar (Judicial) of this Court.

(iv) Remaining balance amount of 30% be invested in Fixed Deposit in any nationalized Bank for the period till disposal of the appeal.

(v) The civil application is disposed of accordingly.

(SHRIKANT D. KULKARNI)
JUDGE

S.P. Rane