

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 5208 OF 2020 IN FA/1697/2019

BHALCHANDRA GANPAT CHAVAN AND OTHERS
VERSUS
STATE OF MAHARASHTRA AND OTHERS

...

CIVIL APPLICATION NO. 5209 OF 2020 IN FA/1696/2019

GOVINDA KASHIRAM PATIL
VERSUS
STATE OF MAHARASHTRA AND OTHERS

...

CIVIL APPLICATION NO. 5211 OF 2020 IN FA/1700/2019

GOVINDA KASHIRAM PATIL
VERSUS
STATE OF MAHARASHTRA AND OTHERS

...

CIVIL APPLICATION NO. 5215 OF 2020 IN FA/1704/2019

CHHAGAN DAMU SHINDE AND ANOTHER
VERSUS
STATE OF MAHARASHTRA AND OTHERS

...

CIVIL APPLICATION NO. 5212 OF 2020 IN FA/1705/2019

KAMALBAI BHUWAN SHINDE
VERSUS
STATE OF MAHARASHTRA AND OTHERS

...

CIVIL APPLICATION NO. 5210 OF 2020 IN FA/1706/2019

JANARDHAN WAMAN GANDHELE
VERSUS
STATE OF MAHARASHTRA AND OTHERS

...

CIVIL APPLICATION NO. 5214 OF 2020 IN FA/1707/2019

NATHU RAMKRISHNA PATIL (GEN.MU) AND ANOTHER
VERSUS

STATE OF MAHARASHTRA AND OTHERS

...

CIVIL APPLICATION NO. 5213 OF 2020 IN FA/1709/2019

VASANT NARAYAN JAGTAP DIED
THROUGH LRS ANJANABAI AND OTHERS
VERSUS

STATE OF MAHARASHTRA AND OTHERS

...

CIVIL APPLICATION NO. 5225 OF 2020 IN FA/1710/2019

TAPIRAM GOBA PATIL (GEN.MU.) AND OTHERS
VERSUS

STATE OF MAHARASHTRA AND OTHERS

...

CIVIL APPLICATION NO. 5229 OF 2020 IN FA/1711/2019

CHANDRAKANT PANDIT SHINDE AND OTHERS
VERSUS

STATE OF MAHARASHTRA AND OTHERS

...

CIVIL APPLICATION NO. 5226 OF 2020 IN FA/1712/2019

RAMESH LAXMAN PAWAR
VERSUS

STATE OF MAHARASHTRA AND OTHERS

...

CIVIL APPLICATION NO. 5228 OF 2020 IN FA/1713/2019

BHUWAN DAMU SHINDE
VERSUS

STATE OF MAHARASHTRA AND OTHERS

...

CIVIL APPLICATION NO. 5224 OF 2020 IN FA/1715/2019

ATMARAM NATHU JAGTAP
VERSUS

STATE OF MAHARASHTRA AND OTHERS

...
CIVIL APPLICATION NO. 5227 OF 2020 IN FA/1716/2019

RATIRAM KASHIRAM PATIL
VERSUS
STATE OF MAHARASHTRA AND OTHERS

...
CIVIL APPLICATION NO. 5218 OF 2020 IN FA/1718/2019

ANJANABAI RAMCHANDRA BAVASKAR (DIED) AND OTHERS
VERSUS
STATE OF MAHARASHTRA AND OTHERS

...
In All the above matters -
Advocate for Applicants-claimants : Mr. Vijay B. Patil
AGP for Respondents - State and SLAO : Mr. R. B. Bagul
Advocate for Respondent-Acquiring Body : Mrs. Chaitali R. Kutti Choudhary
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CORAM : ANIL S. KILOR, J.

DATE : 1st APRIL, 2021

PER COURT :-

Heard learned respective counsels appearing for the parties.

2. Learned counsel appearing for the appellant-Acquiring Body informs in this court that some amount has been deposited in the Reference Court, in pursuant to the Judgment and Award passed by the Reference Court and some amount is deposited in this Court. However, no definite statement is made that how much amount is deposited out of the total amount.

3. Learned counsel appearing for the applicant-claimants submits that as per the instructions received by him, 57% amount of the decretal amount is deposited by the Acquiring Body in the High Court as well as in the Reference Court. Learned counsel for the applicant-claimants seeks permission to withdraw the amount

for the reasons stated in the applications. He submits that the applicants-claimants are in need of money and, therefore, request of the applicants be considered.

4. In view of the fact that, part of the amount towards compensation is deposited in the Reference Court and part of the amount deposited in this Court, however, no definite statement is made as regards how much amount is deposited, I proceed to pass the following order -

a) The civil applications are allowed.

(i) The applicants-claimants are permitted to withdraw 50% of the total decretal amount deposited by Acquiring Body.

In case, the amount deposited by Acquiring Body in the Reference Court as well as in this Court is less than 50% of the complete / entire amount, the applicant-claimants are permitted to withdraw the same on furnishing undertaking to the effect that, if the Acquiring Body succeeds in the present matter and this Court directs the applicants-claimants to repay the amount back, they will deposit the amount so withdrawn within stipulated period.

However, in case, the deposited amount is more

than 50%, the applicants are permitted to withdraw 50% amount on furnishing undertaking to the effect that, if the Acquiring Body succeeds in the present matter and this Court directs the applicants-claimants to repay the amount back, they will deposit the amount so withdrawn within stipulated period.

5. The civil applications are disposed of, accordingly.

(ANIL S. KILOR)
JUDGE

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