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

903 CIVIL APPLICATION NO.6291 OF 2021
IN FA/703/2020

SANTOSH RAM GANJEWAR
VERSUS
THE STATE OF MAHARASHTRA AND ORS

WITH
CA/6283/2021 IN FA/707/2020

NAMITA DEELIP GANJEWAR
VERSUS
THE STATE OF MAHARASHTRA AND ORS

WITH
CA/6288/2021 IN FA/705/2020

RUTA DEELIP GANJEWAR
VERSUS
THE STATE OF MAHARASHTRA AND ORS

WITH
CA/6286/2021 IN FA/704/2020

AMRUTA DEELIP GANJEWAR
VERSUS
THE STATE OF MAHARASHTRA AND ORS

WITH
CA/6289/2021 IN FA/706/2020

DEELIP BHAGWAT GANJEWAR
VERSUS
THE STATE OF MAHARASHTRA AND ORS

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Mr V. B. Patil, Advocate for applicants;
Mr S. G. Sangle, A.G.P. for respondent No.1;
Smt. Chaitali Choudhary-Kutti, Advocate for respondent No.2

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**CORAM : RAVINDRA V. GHUGE
AND
S. G. MEHARE, JJ.**

DATE : 16th November, 2021

PER COURT:

1. The appeals filed by the acquiring body are yet to be admitted. The acquiring body has deposited the entire amount in this Court.

2. We have heard the submissions of the learned Counsel for the respective sides for quite sometime and have perused the order passed by the learned Single Judge Bench of this Court, dated 06/04/2021 in Civil Application No.6525/2020 in First Appeal No.326/2020 and connected matters, arising out of same acquisition. The claimants were permitted to withdraw 50% of the amount deposited by the acquiring body on furnishing an undertaking. Rest of the amounts were to be invested in a Nationalized Bank. We have also perused the Judgment delivered by the L.A.R. Court, in L.A.R. Nos.136/2010 to 147/2010.

3. On instructions, the learned Advocate for the applicants submits, for the present, that the applicants may be allowed to withdraw 50% of the amount. He was a party to the earlier order

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dated 06/04/2021, passed by the learned Single Judge Bench, wherein withdrawal to the extent of 50% amount was permitted. The learned Advocate for the acquiring body submits, on instructions, that same view may be followed in these applications.

4. In view of the above, these civil applications are partly allowed.

5. The claimants/applicants are permitted to withdraw 50% of the amount, on furnishing an undertaking to the effect that in the event of an adverse Judgment being delivered in the first appeals, they would redeposit the amount within the period as may be mentioned in the said Judgment.

6. We direct the Registry to invest the remainder amount in Fixed Deposit Receipts in a Nationalized Bank for an initial period of one year and to be renewed, subject to the decision in the first appeals.

7. Taking into account that the entire amount is deposited by the acquiring body in this Court as a condition for granting protection to the appellants, the appeals are **‘ADMITTED’**,

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subject to removal of all office objections within 21 days from today.

8. List the first appeals, hoping for a final hearing, on 13/01/2022.

9. Call for Record and Proceedings.

(S. G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)

sjk