

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

**45 CIVIL APPLICATION NO.8669 OF 2021
IN FA/989/2016 WITH FA/990/2016**

**RAGHUNATH TRIMBAK LOMATE (DIED) THR LRS. SINDUBAI
RAGHUNATH LOMATE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR,
OSMANABAD AND ANOTHER**

Mr S.S. Wakure, Advocate for applicants
Mr B.V. Virdhe, A.G.P. for respondent no.1
Ms S.K. Doke, Advocate for respondent no.2

CORAM : SHRIKANT D. KULKARNI, J..

DATE : 25th October, 2021

PER COURT :

1. It is an application for withdrawal of amount moved by the applicants/original claimants.
2. Heard learned Advocate for applicants, learned A.G.P. for respondent no.1/State and learned Counsel appearing for respondent no.2/acquiring body. Perused the impugned judgment and award passed in L.A.R.No.269/1997 passed by the reference Court.
3. Learned A.G.P. and learned Counsel appearing for respondent no.2/acquiring body strongly opposed to allow this application and in the alternative, submit that at the most the applicants may be allowed to withdraw 50% of the amount deposited by the State, whereas learned Counsel for the applicants submits that the applicants are entitled to withdraw 75% of the amount of compensation deposited by the State, by looking to the very old nature of the award.
4. Having regard to the submissions of learned Counsel for both the sides, I am of the considered view that if the applicants are allowed to

withdraw 60% of the amount of compensation, deposited by the State, it would meet the ends of justice.

ORDER

- (i) Civil Application is allowed as under :
- (ii) The applicants are permitted to withdraw 60% of the amount deposited by the State in this Court on furnishing usual undertaking with the Registrar (Judicial) of this Court.
- (iii) R & P is received. Registry is directed to place this appeal for final hearing on 29th November 2021.
- (iv) Civil Application stands disposed of accordingly.

(SHRIKANT D. KULKARNI, J.)

VVR