

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

926 CIVIL APPLICATION NO. 8089 OF 2020
IN
FIRST APPEAL NO. 588 OF 2020

RANGNATH KISHAN GURAV
VERSUS
THE STATE OF MAHARASHTRA THROUGH
THE COLLECTOR, LATUR AND ANOTHER

WITH
CA/8090/2020 IN FA/586/2020
WITH
CA/8088/2020 IN FA/587/2020

...
Advocate for Applicants : Mr. Amit S. Deshpande
AGP for Respondent - State: Mr. B.V. Virdhe
Advocate for respondent no. 2 : Mr. M.P. Gude

...

CORAM : ANIL S. KILOR, J.
DATE : 06-04-2021

ORDER :

1. These are the Applications moved by the claimants for withdrawal of the amount deposited by the Acquiring Body in this Court.
2. Heard learned Counsels for the respective parties.
3. Learned counsel for the claimants-applicants submits that for the reasons stated in the Applications, this Court may allow the applicants to withdraw the amount.

4. Learned counsel for the Acquiring Body opposes the Applications and states that if the amount is permitted to be withdrawn by the applicants and in case the Acquiring Body succeeds in the present matters, it will be difficult for the Acquiring Body to recover the amount.

5. In the above backdrop, to strike the balance between the rights of the parties, I am of the considered view that if the applicants are permitted to withdraw 50% of the amount deposited by the Acquiring Body in this Court, justice would be subserved.

6. In that view of the matter, the Applications are partly allowed. The applicants are permitted to withdraw 50% of the amount deposited by the Acquiring Body in this Court, on furnishing undertaking to the effect that in the event, the decision in first appeals goes adverse to their interest, they would redeposit the amount within the stipulated period.

7. Civil Applications are disposed of.

[ANIL S. KILOR]
JUDGE

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