

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

**925 CIVIL APPLICATION NO.10905 OF 2021
IN FAST/22830/2020**

FULCHAND LAXMAN SALAMPURE (DIED) THR LRS SUMANBAI ANDORS
VERSUS
THE STATE OF MAHARASHTRA THR COLLECTOR, AURANGABAD AND ANR
...

Advocate for Applicants : Mr. Swapnil Joshi for J. P.legal
Associates

AGP for Respondent No. 1 : Mr. A.M.Phule
Advocate for Respondent No. 2 : Mr. A.S.Bajaj

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 26-10-2021.

PER COURT :

01. It is an application for permission to withdraw the amount deposited in this Court by the respondent No. 2 / Administrator CIDCO, Aurangabad.

02. Heard Mr. Swapnil Joshi learned Advocate J.P. Legal Associates for the applicant and Mr. Bajaj for the Administrator CIDCO, Aurangabad. Perused the earlier order passed by this Court in Civil Application No. 5958/2020 in First Appeal Stamp No. 9009/2020 with connected matters.

03. It is revealed during the course of argument that the respondent No. 2 has deposited Rs. 61,19,338/- in this Court as per earlier order of this Court while

granting the stay. In view of orders passed earlier by this Court regarding withdrawal of amount, by taking the same view, it is necessary to allow the applicant to withdraw 50% amount which comes to Rs. 30,59,669/-. In view of the above, I proceed to pass following order;

ORDER

I) The application for withdrawal of amount is hereby allowed in terms of prayer clause (B).

II) The applicants are permitted to withdraw 25% of the deposited amount on condition to furnish usual undertaking to the satisfaction of Registrar (Judicial) of this Court.

III) They are further permitted to withdraw 25% of the deposited amount on furnishing security to the satisfaction of Registrar (Judicial) of this Court.

IV) The remaining balance amount shall be invested in the fixed deposit in any nationalized bank for a period of three years initially.

V) The registry to make payment to the applicants in view of above terms after furnishing undertaking and security.

[SHRIKANT D. KULKARNI]

JUDGE

Dahibhate/-