

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 2089 OF 2021
IN CIVIL APPEAL NO. 3171 OF 2019

PRAKASH S/O. GANGADHAR SEVLIKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicant : Mr. S. S. Patunkar h/f.
J. P. Legal Associates
AGP for Respondents No. 1 and 2 : Ms. D. S. Jape
...

CORAM : ANIL S. KILOR, J.

DATE : 19th MARCH, 2021

PER COURT :-

Heard learned counsel for the applicant-claimant.

2. None for the Acquiring Body, even after second call.
3. Learned counsel for the applicant submits that the Acquiring Body has deposited decretal amount directed to be paid by the learned Reference Court vide Judgment and Award dated 08-12-2009. It is submitted that to fulfill family needs and for marriage and education of children of applicant, the applicant needs this amount.
4. Though, this application was filed on 22-12-2020, no reply has been filed by the Acquiring Body opposing prayer made in the application.

5. It is further pointed out that in connected matters, which are arising out of the same Award, this Court has permitted the applicants in the said matters to withdraw 75% amount on certain conditions. It is, therefore, prayed that the applicants may be permitted to withdraw 75% amount with the same conditions imposed in First Appeals No. 3132, 3172 and 3170 of 2019.

6. For the reasons stated in the application and in view of the above stated facts, the civil application is partly allowed.

- (i) The permission is granted to withdraw 75% amount; out of which for 50% amount, the applicant shall furnish an undertaking to the effect that in case any adverse orders passed against the applicant, he would refund the amount as per direction of this court.
- (ii) For the balance 25% amount, the applicant shall furnish solvent surety in the like amount to the satisfaction of the Registrar (Judicial) of this court.
- (iii) The remaining 25% amount shall be invested in any nationalized or scheduled bank for a period of two years and the said period would be extended in case the matter is not finally decided within such period.

7. The civil application is disposed of.

(ANIL S. KILOR)
JUDGE