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

905 CIVIL APPLICATION NO.13220 OF 2021
IN FA/1894/2018
WITH CA/13221/2021 IN FA/1896/2018

DEELIP MAROTI KARE
VERSUS
THE STATE OF MAHARASHTRA THROUGH COLLECTOR,
LATUR AND OTHERS

...

Advocate for Applicant : Mr. G. K. Sontakke.
AGP for Respondent/State: Mr. B. V. Virdhe.
Advocate for Respondent No.2: Mr. Shirish G. Sangle.

...

CORAM : **SHRIKANT D. KULKARNI, J.**
DATE : 17th December, 2021.

P.C.:

. These are the applications for withdrawal of amount moved by the applicants / original claimants.

2 Heard Mr. Sontakke, learned counsel for the appellants / original claimants, Mr. Sangle, learned counsel for respondent No.2 / acquiring body and the Mr. Virdhe, learned AGP for the respondent/State.

3 Mr. Sontakke, learned counsel for applicants seeks leave to place on record copy of order dated 4th December, 2021 passed by this Court in Civil Application No.12765 of 2021 in First Appeal No.1895 of 2018 arising from the same award. He submits that this

Court was pleased to allow the applicant in the abovesaid matter to withdraw 50% amount on furnishing undertaking and 25% amount on furnishing Bank guarantee or solvent surety.

4 Mr. Sangle, learned counsel for the acquiring body accepts this position. Accordingly, the present application needs to be allowed by taking the same view. Hence, the following order is passed:

ORDER

I. The applications for withdrawal of amount are hereby allowed.

II. The applicants / original claimants are hereby allowed to withdraw 50% of the amount with accrued interest thereon deposited by the acquiring body / respondent No.2 on furnishing usual undertaking with the Registrar (Judicial) of this Court.

III. The applicants / original claimants are further permitted to withdraw 25% amount with accrued interest thereon subject to furnishing solvent surety in the like amount or Bank guarantee subject to satisfaction of the Registrar (Judicial) of this Court.

IV. Remaining 25% of the amount of compensation with accrued interest thereon shall be invested in fixed deposit in any Nationalized bank initially for a period of two years with clause to renew it time to time.

V. Both the civil applications are disposed of accordingly.

[SHRIKANT D. KULKARNI, J.]

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