

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

CIVIL APPLICATION NO.12765 OF 2021

IN

FA/1895/2018

BASANTIDEVI MADANLAL GILDA

VERSUS

**THE STATE OF MAHARASHTRA THROUGH COLLECTOR, LATUR
AND OTHERS**

....

Mr. G.K. Sontakke, Advocate for the Applicant

Mr. P.M. Kulkarni, AGP for Respondent Nos.1 and 3

Mr. S.G. Sangle, Advocate for Respondent No.2

....

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 04th DECEMBER, 2021

PER COURT:-

1. It is an application for withdrawal of amount moved by the applicant / original claimant.
2. Heard Mr. G.K. Sontakke, learned counsel for the applicant, Mr. S.G. Sangle, learned counsel for respondent no.2 / acquiring body and Mr. Kulkarni, learned AGP for respondent nos. 1 and 3 .
3. It is revealed during the course of argument that the acquiring body / respondent no.2 has deposited the entire amount under the award as per the order of this Court dated 118.04.2007. The question is about withdrawal of amount deposited by the

acquiring body. Mr. Sontakke, learned counsel for the applicant / original claimant seeks 100% withdrawal of the amount.

4. Mr. Sangle, learned counsel for the acquiring body / respondent no.2 strongly opposed to allow the applicant / claimant to withdraw the entire amount deposited by the acquiring body / respondent no.2 in view of points involved in the first appeal.

5. It is the practice of this Court to allow the claimants to withdraw 50% of the amount of compensation under the award with interest on furnishing usual undertaking to the Registrar (Judicial) and 25% of the amount on furnishing solvent surety in the like amount or Bank guarantee of any nationalized Bank or scheduled Bank subject to the satisfaction of the Registrar (Judicial) of this Court. By following the same practice, the application needs to be allowed as under:

ORDER

- (i) The application for withdrawal of amount is hereby allowed.
- (ii) The applicant / original claimant is 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 applicant / original claimant is 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) The civil application is disposed of accordingly.

[SHRIKANT D. KULKARNI]
JUDGE

S.P. Rane