

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

906 CIVIL APPLICATION NO.13601 OF 2021
IN FA/214/2020

RAOSAHEB SAMBHAJI KEDAR
VERSUS
THE STATE OF MAHARASHTRA, THROUGH THE COLLECTOR,
OSMANABAD AND OTHERS

...

Advocate for Applicant : Mr. M. R. Malpani, h/f Mr. Ajeet B. Kale.
AGP for Respondent/State: Mr P. M. Kulkarni.
Advocate for Respondent No.2: Mr. A. M. Gaikwad.

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907 CIVIL APPLICATION NO.13609 OF 2021
IN FA/213/2020

RAMKRISHNA BABARAO GAWALI
VERSUS
THE STATE OF MAHARASHTRA, THROUGH THE COLLECTOR,
OSMANABAD AND OTHERS

...

Advocate for Applicant : Mr. M. R. Malpani, h/f Mr. Ajeet B. Kale.
AGP for Respondent/State: Mrs. P. V. Diggikar.
Advocate for Respondent No.2: Mr. A. M. Gaikwad.

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CORAM : **SHRIKANT D. KULKARNI, J.**

DATE : 17th December, 2021.

P.C.:

. These are the applications filed for withdrawal of amount
moved by the applicants.

2 Heard Mr. Malpani, holding for Mr. Kale, learned counsel
for applicants, Mr. A. M. Gaikwad, learned counsel for respondent
acquiring body / respondent No.2 and Mr. Kulkarni, learned AGP so

also Mrs. Diggikar, learned AGP for respondent Nos.1 and 3.

3 Mr. Gaikwad, learned counsel for acquiring body seeks leave to place on record copy of order dated 22nd January, 2021 passed by this Court in Civil Application No.1049 of 2002 in First Appeal No.215 of 2002 regarding withdrawal of amount arising out of the same award.

4 Leave granted. The copy of order dated 22nd January, 2021 passed by this Court in Civil Application is taken on record and marked as 'X' for identification.

5 I do not see any reason to take any different view. The applications need to be allowed. Hence, the following order is passed:

ORDER

- I. The applications are partly allowed.
- II. The applicants are permitted to withdraw the amount deposited by the acquiring body to the extent of 70% of the amount on furnishing undertaking to the satisfaction of the Registrar (Judicial) of this Court on condition that in the event the award is set aside or modified, the

applicants shall re-deposit the amount within eight weeks from the date of passing of such order.

- III. After making payment to the extent of 70% of the amount, the balance amount shall be invested in the fixed deposit initially for a period of two years with clause of renewal till the disposal of the appeals.
- IV. The amount be paid as per the procedure.
- V. Both civil applications are accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]

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