

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

8 CIVIL APPLICATION NO.13154 OF 2021
IN FA/3456/2018

RAJENDRA BABA SERKAR
VERSUS
THE STATE OF MAHARASHTRA
THROUGH COLLECTOR, OSMANABAD AND OTHERS

...
Advocate for Applicant : Mr. Ramesh V. Naiknavare.
AGP for Respondent/State: Mr. P. M. Kulkarni.
Advocate for Respondent No.2: Mr. A. M Gaikwad.
...

CORAM : **SHRIKANT D. KULKARNI, J.**
DATE : 13th December, 2021.

P.C.:

. It is an application moved by the applicant to withdraw the remaining 40% amount deposited in first appeal with accrued interest thereon on furnishing solvent security instead of bank guarantee.

2 Heard Mr. Naiknavare, learned counsel for applicant and Mr. Gaikwad, learned counsel for respondent No.2, who opposed to allow this application mainly on the ground that the Reference Court has awarded exorbitant amount of compensation and secondly, interest for six years is contrary to the decision of the Full Bench of this Court. Mr. Naiknavare submits that the said amount is not deposited by the acquiring body though Mr. Gaikwad argued.

3 Perused the copy of order passed by this Court in Civil Application No.13636 of 2018 in First Appeal (Stamp) No.2406 of 2018. This Court after taking into consideration the facts of the case and applying the mind was pleased to permit the applicant to withdraw 60% of the deposited amount on submitting an undertaking to the satisfaction of the Registrar of this Court. The balance 40% amount was permitted to be withdrawn on furnishing bank guarantee of any Nationalized or Scheduled bank in the like amount. That order is now sought to be reviewed by making a prayer to allow the applicant to withdraw the remaining 40% amount with accrued interest on furnishing solvent security.

4 I am not convinced to review that order. There are no change in circumstances to consider the prayer. The present application needs to be rejected. Hence, the following order:

ORDER

The civil application is hereby rejected.

[SHRIKANT D. KULKARNI, J.]

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