

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

24 CIVIL APPLICATION NO.13013 OF 2021
IN FA/3547/2016 WITH FA/3547/2016

SUREKHA LAXMAN RONGE

VERSUS

THE STATE OF MAHARASHTRA
AND OTHERS

...

Advocate for Applicant : Mr P.P. More h/f Ms Swati P More(Nade)
AGP for Respondent-State : Mr P.M. Kulkarni

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 7th DECEMBER, 2021

PER COURT :

1. It is an application for withdrawal of amount moved by the applicant/original claimant.
2. Heard Mr P.P. More, learned counsel for the applicant/original claimant and Mr P.M. Kulkarni, learned AGP for Respondent /State.
3. Perused the order passed by this Court dated 22nd November, 2021.
4. It is stated across the bar that the appellant/State Government has deposited the cheque of Rs. 3,11,990/- with the Registry.
5. Mr More, learned counsel for the original claimant submits that it is the appeal alone preferred by the State arising from the project by way of 'pick and choose policy'. There is no merit in the appeal. The claimant must be allowed to withdraw the maximum amount of compensation deposited by the State Government.

6. Mr Kulkarni, learned AGP for the State strongly opposed to allow the claimant to withdraw the amount.

7. It is the practice of this Court to allow the original claimant to withdraw 75 % of the amount of compensation deposited by the acquiring body/State Government. The same practice needs to be followed. Out of that, 50 % amount of compensation allowed to be withdrawn simply on furnishing undertaking and remaining 25 % of amount on furnishing solvent surety which would take care of legal rights of the State Government involved in the appeal.

ORDER

- (I) The application is hereby allowed as under :-
- (A) The applicant/ original claimant is permitted to withdraw 50 % of the amount of compensation with accrued interest thereon on furnishing usual undertaking with the Registrar (Judicial) of this Court.
- (B) Further the applicant/original claimant is permitted to withdraw 25 % of the amount of compensation with accrued interest thereon on furnishing solvent surety of the like amount to the satisfaction of the Registrar (Judicial) of this Court.
- (C) The remaining 25 % amount of compensation with interest be invested in the Fixed Deposit in any nationalized bank for a period of two years with a clause of renewal.
- (D) The Civil Application is accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]