

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

**CIVIL APPLICATION NO.13719 OF 2021
IN
FA/2245/2018**

**DAGADU SHRIPATI TALEKAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH COLLECTOR,
OSMANABAD AND OTHERS**

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Mr. Ramesh V. Naiknavare, Advocate for the Applicant.
Ms. Preeti V. Diggikar, AGP for Respondent No.1 / State
Mr. Jeevan R. Patil, Advocate h/f Mr. G.B. Rajale, Advocate for
Respondent Nos. 2 and 3.

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CORAM : SHRIKANT D. KULKARNI, J.

DATE : 20th DECEMBER, 2021

PER COURT:-

1. Mr. R.V. Naiknavare, learned counsel for the applicant seeks leave to file *Vakalatnama* with the Registry. Leave granted. He may file the *Vikalatnama* with the Registry.

2 It is an application for withdrawal of amount moved by the applicant / original claimant.

3. Heard Mr. Naiknavare, learned counsel for the applicant, Mr. J.R. Patil holding for Mr. G.B. Rajale, learned counsel for respondent nos. 2 and 3 and Ms. Preeti V. Diggikar, learned AGP for respondent no.1 / State.

4. Mr. Naiknavare, learned counsel for the applicant seeks leave to place on record the copy of order passed by this Court (Coram : R.G. Avachat, J.) in civil application no.10800/2021 in first appeal no. 2247/2018 with connected civil applications.

5. Leave granted. copy of order passed by this Court in civil application no.10800/2021 in first appeal no. 2247/2018 is taken on record and marked as 'X' for identification.

6. Mr. Naiknavare, submits that the applicant is entitled to withdraw 75% of the amount deposited by the acquiring body. Mr. J.R. Patil holding for Mr. G.B. Rajale, learned counsel for respondent nos.2 and 3 fairly accepts this position.

7. It is necessary to allow this application by taking the same view, which has been earlier taken by this Court in the above referred matters.

ORDER

- (i) The application for withdrawal of amount is hereby allowed.
- (ii) The applicant is permitted to withdraw 75% of the amount of compensation deposited by the acquiring body / respondent no.3 with accrued interest thereon on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.
- (iii) Remaining 25% of the amount of compensation with accrued interest thereon shall be invested in the fixed deposit with any nationalized Bank initially for a period of two years with clause of renewal.
- (iv) The civil application is disposed of accordingly.

[SHRIKANT D. KULKARNI]
JUDGE

S.P. Rane