

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

904 CIVIL APPLICATION NO.637 OF 2022
IN FA/111/2022

GOVIND SHYAMRAO SURNAR (DIED) THR
LRS SURESH AND ANR

VERSUS

THE STATE OF MAHARASHTRA
AND ORS

...

Advocate for Applicants : Mr P.C. Mayure
AGP for Respondent/State : Mr S.G. Sangle

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 16th February 2022

PER COURT :

1. Heard Mr P.C. Mayure, learned counsel for the applicants for withdrawal of amount deposited by the respondent Nos. 1 to 3/State. Also heard Mr S.G. Sangle, learned AGP for respondent/State.

2. Mr Mayure, learned counsel for the applicants seeks leave to place on record a copy of order passed by this Court (Coram : Vinay Joshi, J.) dated 21.01.2022 in Civil Application No. 639/2022 in First Appeal (St.) No. 30312/2019 with connected matters. Leave granted.

3. Mr Mayure, learned counsel for the applicants submits that this Court was pleased to allow the original claimants to withdraw the amount of compensation of 50% on furnishing usual undertaking and 25% amount on furnishing solvent surety i.e. total 75% of the amount of compensation deposited by the State.

4. Mr S.G. Sangle, learned AGP for the Respondent/State fairly concedes the position regarding the order passed by this Court dated 21.01.2022 with connected matters. It would be appropriate to follow the same course.

ORDER

- (i) The application is hereby allowed.
- (ii) The applicants are permitted to withdraw 50% of the deposited amount on furnishing usual undertaking and 25% of the deposited amount on furnishing solvent surety to the satisfaction of the Registrar (Judicial) of this Court.
- (iii) Remaining 25% balance amount shall be invested in the Fixed Deposit in any nationalized bank.
- (iv) Registry to take necessary steps to that effect.
- (v) Civil Application is accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)

mta