

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

904 CIVIL APPLICATION NO.1527 OF 2022

IN FA/145/2020

WITH CA/1522/2022 IN FA/147/2020

WITH CA/1523/2022 IN FA/142/2020

WITH CA/1524/2022 IN FA/144/2020

WITH CA/1530/2022 IN FA/139/2020

MADHUKAR GOVIND KHANDADE (DIED) HIS LRS DAIVSHALA
W/OMADHUKAR KHANDADE AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA,
THROUGH THE COLLECTOR, LATUR AND OTHERS

...

Advocate for Applicants : Mr. Gajanan K. Sontakke.

AGP for Respondent/State: Mr. S. N. Morampalle.

Advocate for Respondent No.3: Mr. Sham B. Patil.

...

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

DATE : 29th April, 2022.

P.C.:

. These are the applications for withdrawal of compensation amount moved by the respective applicants/claimants.

2 Heard Mr. Gajanan Sontakke, learned counsel for the applicants/claimants, Mr. S. B. Patil, learned counsel for respondent No.3/acquiring body and Mr. Morampalle, learned AGP for the State.

3 Mr. Sontakke seeks leave to place on record copy of order passed by this Court in Civil Application No.2961 of 2022 with

connected matters. Leave granted. The same is take on record and marked as 'X' for identification.

4 Mr. Sontakke seeks similar order of withdrawal of remaining balance amount of 60% compensation with accrued interest thereon.

5 Mr. Patil, learned counsel for acquiring body strongly opposed to allow these applications. He submits that if entire amount is allowed to be withdrawn then it may affect the legal interest of the acquiring body if in future appeals are allowed. He, therefore, submitted that certain amount may be retained and claimants should not be allowed to withdraw the entire amount of compensation.

6 Mr. Morampalle, learned AGP for the State argued on same lines and opposed to allow these applications.

7 This group of applications is arising out of same project in which this Court was pleased to allow the claimants to withdraw remaining 60% balance amount of compensation by passing order marked as 'X' for identification. I do not see any reason to take any different view. Whatever apprehension raised by the learned counsel for acquiring body would taken care of, by undertaking to be furnished by the respective claimants. As per the directions given by the Honourable Apex Court, this Court has allowed the applicants in earlier matters

referred above to withdraw remaining 60% balance amount of compensation by reasoned order dated 22nd March, 2022. On the same line, I am convinced to allow these applications. Hence, the following order is passed:

ORDER

- I. The applications moved by the applicants / claimants are hereby allowed as under:
 - (a) The applicants / respective claimants are permitted to withdraw remaining 60% balance amount of compensation deposited by respondent No.3 in this Court on furnishing solvent surety / security to the satisfaction of the Registrar (Judicial) of this Court.
 - (b) Upon furnishing such solvent surety / security, the Registry to make payment to the applicants / respective claimants.
- II. The civil applications are accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]

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