

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

926 CIVIL APPLICATION NO.2798 OF 2022
IN FA/3105/2021

LAXMAN BALBHIM GORE (DIED)
THR LRS MAINA AND ANR

VERSUS

THE STATE OF MAHARASHTRA
THR THE COLLECTOR, OSMANABAD AND ANR

...

Advocate for Applicants : Mr L.C. Patil
AGP for Respondent No. 1/State : Mr S.N. Morampalle
Advocate for Respondent No. 2 : Mr G.B. Rajale

CORAM : SHRIKANT D. KULKARNI, J.
DATE : 5th APRIL, 2022

PER COURT :

1. It is an application for withdrawal of compensation amount moved by the applicants/original claimants.
2. Heard Mr L.C. Patil, learned counsel for the applicants/original claimants, Mr S.N. Morampalle, learned AGP for respondent No.1/State and Mr G.B. Rajale, learned counsel for respondent No.2/acquiring body.
3. It is pointed out by Mr L.C. Patil, learned counsel for the applicants/claimants that in connected matter vide Civil Application No. 6434/2020 in First Appeal Stamp No. 22611/2019, this Court was pleased to allow the claimants to withdraw 60% amount of compensation. He therefore, seeks similar relief.
4. Mr G.B. Rajale, learned counsel for the acquiring body and Mr S.N. Morampalle, learned AGP for the State fairly conceded this position.

5. The copy of order passed by this Court (Coram : M.G. Sewlikar, J.) dated 07.01.2021 is taken on record and marked as 'X' for identification.

6. By taking the same view, I proceed to pass the following order :-

ORDER

- (i) The application is hereby allowed.
- (ii) The applicants/original claimants are permitted to withdraw 50 % amount of compensation with accrued interest thereon on furnishing usual undertaking with the Registrar (Judicial) of this Court.
- (iii) The applicants/claimants are further permitted to withdraw 10% amount of compensation with accrued interest thereon on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court.
- (iv) The civil application is accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)

mta