

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

33 CIVIL APPLICATION NO.2979 OF 2022
IN FAST/26195/2020

LAXMAN PIRAJI SURYAWANSHI (DIED) THRU LRS. JIJABAI AND ORS.
VERSUS
THE STATE OF MAHARASHTRA, THRU COLLECTOR, OSMANABAD AND ORS.

WITH
CIVIL APPLICATION NO.2981 OF 2022
IN FAST/26200/2020

CHANBASSAPA REVAPPA HARLYYA (DIED) THRU LRS. NAGAMMA AND ORS
VERSUS
THE STATE OF MAHARASHTRA, THRU COLLECTOR, OSMANABAD AND ORS.

WITH
CIVIL APPLICATION NO.2980 OF 2022
IN FAST/26209 OF 2020 WITH

BABRUWAN VISHWANATH SURYWANSHI
VERSUS
THE STATE OF MAHARASHTRA, THRU COLLECTOR, OSMANABAD AND ORS.

Mr A.S. More, Advocate for applicants
Mr R.A. Tambe, Advocate for respondents no.1 to 3

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 7th March, 2022

PER COURT :

1. Mr A.S. More, learned Advocate for applicants undertakes to file V.P. on behalf of applicants no.4 and 5. His undertaking is accepted.
2. It is an application for withdrawal of amount moved by the applicants/original claimants.
3. Heard learned Advocates for respective parties.
4. Mr More, learned Advocate for applicants seeks withdrawal of 100% of the amount of compensation deposited by the appellants. The interest of the acquiring body is already protected by directing them to deposit 50%. Therefore he seeks withdrawal of 100% of the amount of compensation. Mr R.A. Tambe learned

Advocate for respondents no.1 to 3/acquiring body strongly opposed to allow these applications.

5. This Court was pleased to grant stay to the execution of the impugned award passed by the reference Court subject to deposit of 50% of the amount of compensation under the award passed by the reference Court vide order dated 15.1.2021. Accordingly, the acquiring body has deposited 50% amount of compensation in this Court and complied with that order. In view of the fact that the acquiring body has deposited 50% amount of compensation, meaning thereby the interest of the appellants is protected by withholding remaining 50% amount of compensation. As such, the applicants are entitled to get entire amount of compensation along with accrued interest thereon, on furnishing necessary undertaking with the Registrar (Judicial) of this Court.

ORDER

(i) All the Civil Applications for withdrawal of amount moved by the applicants are hereby allowed.

(ii) The applicants are permitted to withdraw entire amount of compensation with accrued interest thereon on furnishing necessary undertaking to the satisfaction of Registrar (Judicial).

(iii) On furnishing such undertaking by the applicants the Registry to make payment to the respective claimants with accrued interest thereon.

(iv) The Civil Applications are accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)