

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

906 CIVIL APPLICATION NO.3508 OF 2020
IN FA/2928/2017

MEENAKSHI APPARAO DHUMAL
VERSUS
THE STATE OF MAHARASHTRA AND ANR

Mr A.S. More, Advocate for applicant
Mr S.P. Deshmukh, A.G.P. for respondent no.1

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 31st March, 2022

PER COURT :

1. Mr More, learned Advocate for applicant submits that the name of applicant is correctly shown in the Civil Application as shown in the First Appeal. He has done the paging. According to Mr More, the objections are removed.
2. The office to note and verify.
3. Mr More, learned Advocate for the applicant seeks leave to place on record copy of order passed by this Court (Coram : R.G. Avachat, J.) dated 26.7.2021 in Civil Application No.3290 of 2021 in First Appeal No.2926 of 2017. Leave granted. The copy of order dated 26.7.2021 is taken on record and marked as "X" for identification.
4. Mr More submits that this Court was pleased to allow the applicants therein to withdraw 75% of the amount of compensation. He seeks similar order. Mr S.P. Deshmukh, learned A.G.P. for respondent no.1 fairly concedes the position of passing of order by this Court arising out of same group. Respondent no.2 though duly served remained absent. I do not see any reason to take any different view. It would be appropriate to allow the applicant/claimant to withdraw 75% amount in deposit by taking the same view.

ORDER

(i) The Civil Application is hereby allowed in terms of prayer clause (B).

(ii) The applicant/original claimant is permitted to withdraw 75% of the amount of compensation in deposit with accrued interest thereon, on furnishing usual undertaking with the Registrar (Judicial) of this Court.

(iii) The balance amount be kept in fixed deposit till final decision of the appeal.

(iv) The Civil Application is accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)

VVR