

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

**944 CIVIL APPLICATION NO.5082 OF 2022
IN FA/5136/2017**

**SUSHMA PANDHARINATH DESHMUKH
VERSUS
THE CHIEF OFFICER, MAHARASHTRA HOUSING AND
AREA DEVELOPMENT, AURANGABAD AND ANOTHER**

...

Mr.T.M. Venjane, the advocate for the applicant.
Mr.Bhusah Virdhe, the advocate for respondent no.1.

...

**CORAM : RAVINDRA V. GHUGE &
S.G.DIGE, JJ.**

DATE : 08.04.2022

P.C. :

1. By this application, the applicant prays for withdrawal of amount.

2. The orders with regard to similarly placed claimants, in relation to the same acquisition proceedings, grant liberty to withdraw 50% of the amount. The orders dated 22nd September, 2017, 24th January, 2019, and 13th September, 2019 are annexed to the civil application. The learned Single Judge has also passed a similar order on 5th October, 2018 in civil application No.5735/2018 in First Appeal No.1908/2016.

3. Considering the above and the submissions of the learned advocates, the civil application is partly allowed with the following directions :-

(a) The applicant is permitted to withdraw 50% of the amount mentioned in prayer clause "B" of the civil application, on submitting an affidavit undertaking through an advocate stating therein that if the applicant/claimant is held to have withdrawn excess amounts, such amounts shall be redeposited in this court within 8 weeks from the date of such order of the Court, failing which, the amounts shall carry interest @ 3% from the date of withdrawal till the date of deposit.

(b) Remainder 50% amounts shall be fixed in fixed deposit certificate by the Registry of this Court in a Nationalized Bank at Aurangabad.

(S.G.DIGE, J.)

(RAVINDRA V. GHUGE, J.)

SGA