

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

930 CIVIL APPLICATION NO.3403 OF 2022
IN FA/2697/2018

GURAPPA NAGESH KARKE (DIED)
THR LRS. PANDIT GURAPPA KARKE

VERSUS

THE STATE OF MAHARASHTRA THROUGH
THE COLLECTOR, OSMANABAD AND OTHERS

...
Advocate for Applicant : Mr A.B. Kale
AGP for Respondent Nos. 1 and 2 : Mr N.T. Bhagat
Advocate for Respondent No. 3 : Mr Vinod Patil

CORAM : SHRIKANT D. KULKARNI, J.
DATE : 22nd APRIL, 2022

PER COURT :

1. It is an application for withdrawal of compensation amount moved by the applicant/claimant.
2. Heard Mr A.B. Kale, learned Counsel for the applicant/claimant, Mr Vinod Patil, learned counsel for the acquiring body and Mr N.T. Bhagat, learned AGP for the State.
3. Mr A.B. Kale, learned counsel for the applicant/claimant seeks leave to place on record copy of order passed by this Court in Civil Application No. 1507/2022 in First Appeal No. 2699 of 2018 dated 01.04.2022 and Civil Application No. 9457/2019 in First Appeal Stamp No. 3760/2016 with connected matters vide order dated 10.12.2019. Leave granted.
4. The copies of the orders are taken on record and marked 'X' collectively for identification.

5. Mr A.B. Kale, learned counsel for the claimants seeks similar relief.
6. Mr Vinod Patil, learned counsel for the acquiring body and the learned AGP for the State have been fair enough to concede passing of earlier order by this Court which are arising out of same group and project. I do not see any reason to take any different view. By taking the same view, I proceed to pass the following order :-

ORDER

- (A) The application is hereby allowed as under :-
- (i) The applicant is permitted to withdraw 50% of the amount of compensation on furnishing usual undertaking with the Registrar (Judicial) of this Court.
- (ii) The applicant is further permitted to withdraw 25% of the amount of compensation on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court.
- (iii) The remaining 25% of the amount of compensation shall be invested in Fixed Deposit Account in any nationalized bank for a period of one year with renewal clause.
- (iv) The application is accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)

mta