

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 13643 OF 2022 IN
FIRST APPEAL NO. 670 OF 2018

Hema Gopinathrao Deshpande
(Deceased through LRs)

Applicant

Versus

GMIDC Aurangabad & another

Respondents

WITH
CIVIL APPLICATION NO. 13642 OF 2022 IN
FIRST APPEAL NO. 671 OF 2018

Shirish Gopinath Deshpande

Applicant

Versus

GMIDC Aurangabad and others

Respondents

Mr. A. P. Bhandari, Advocate for the applicants.

Mr. R. B. Bagul, AGP for the State.

Mr. S. G. Bhalerao, Advocate for respondent No. 1.

**CORAM : R. G. AVACHAT &
R. M. JOSHI, JJ.**

DATE : 18th NOVEMBER, 2022.

PER COURT :

1. These applications are filed for withdrawal of remaining 25% amount out of 50% amount directed to be deposited as per award passed by reference Court.

2. Vide order dated 6th April, 2018 passed in Civil Application No. 4699/2018, the applicants were permitted to withdraw 75% amount from the said deposited amount by the respondents. It is the contention of applicants that one of the claimants in the same acquisition proceedings approached to the Hon'ble Supreme Court wherein he was permitted to withdraw 50% amount on furnishing security. In terms of the said order, applicants are seeking withdrawal of remaining 25% amount on undertaking as security is already furnished in respect of 50% amount.

3. Heard learned advocates for both the sides.

4. There is no dispute about the fact that the Hon'ble Supreme Court has permitted withdrawal of 50% amount without security and remaining 50% amount on furnishing security. Here in this case, 50% amount is deposited out of total amount of award and in view of the order of the Hon'ble Supreme Court, there is no impediment in granting permission to the applicants to withdraw remaining amount of 25% on undertaking.

5. In view of this, applications stand allowed.

(R. M. JOSHI)
Judge

(R. G. AVACHAT)
Judge

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