

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

908 CIVIL APPLICATION NO.4180 OF 2021
IN FAST/34955/2016

GANGADHAR MAHADAPPA BHANDEKAR (DIED) THR LRS.
VISHWASGANGADHAR BHANDEKAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA, THROUGH THE COLLECTOR, OSMANABAD
AND OTHERS

Mr M.R. Malpani, Advocate h/f Mr A.B. Kale, Advocate for applicants
Mr S.P. Deshmukh, A.G.P. for respondent no.1
Mr S.G. Sangle, Advocate for respondent no.3

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 1st March, 2022

PER COURT :

1. Mr S.G. Sangle, learned Counsel submits that he is appearing in this matter on behalf of respondent no.3/acquiring body. As such, name of Mr S.S. Tope, learned Advocate appearing for acquiring body shall be removed from the board and name of Mr S.G. Sangle be shown on behalf of acquiring body. Registry to note.
2. Mr Malpani holding for Mr A.B. Kale, learned Counsel for the applicants seeks leave to place on record copy of order passed by this Court in Civil Application No.1611 of 2019 in First Appeal No.2457 of 2017 with connected matters dated 15.2.2019.
3. Leave granted. The copy of order dated 15.2.2019 is taken on record and marked "X" for identification. Mr Malpani submits that same view may be taken and application for withdrawal of amount may be granted.
4. Heard Mr S.G. Sangle, learned Counsel for respondent no.3/acquiring body and Mr S.P.Deshmukh, learned A.G.P. for the State.

5. By taking the same recourse, the application for withdrawal of amount needs to be allowed.

ORDER

(i) The applicants - claimants are permitted to withdraw 40% of the deposited amount on submitting an undertaking to the satisfaction of the Registrar (Judicial) of this Court.

(ii) The applicants are permitted to withdraw further 20% of the deposited amount on submitting solvent surety in the like amount to the satisfaction of Registrar (Judicial) of this Court.

(iii) Balance 40% amount be invested in the Fixed Deposit Receipt in any Nationalised Bank for the period till disposal of the appeals.

(iv) The applications for withdrawal of the amount stand disposed of.

(SHRIKANT D. KULKARNI, J.)