

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

931 CIVIL APPLICATION NO.4980 OF 2022
IN FA/1178/2020

DHONDIBA TULSHIRAM SURVASE (DIED)
THR LRS. SUNITA DHONDIBA SURVASE AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA THROUGH
THE COLLECTOR, OSMANABAD AND OTHERS

...

Advocate for Applicants : Mr L.C. Patil
AGP for Respondent Nos. 1 and 2 : Mr N.T. Bhagat
Advocate for Respondent No. 3 : Mr G.B. Rajale

WITH

931 CIVIL APPLICATION NO.5022 OF 2022
IN FA/1179/2020

NITIN ARVIND SHINGADE

VERSUS

THE STATE OF MAHARASHTRA THROUGH
THE COLLECTOR, OSMANABAD AND OTHERS

...

Advocate for Applicants : Mr L.C. Patil
AGP for Respondent Nos. 1 and 2 : Mr N.T. Bhagat
Advocate for Respondent No. 3 : Mr G.B. Rajale

CORAM : SHRIKANT D. KULKARNI, J.
DATE : 5th APRIL, 2022

PER COURT :

1. These are the applications for withdrawal of amount of compensation moved by the respective claimants.
2. Heard Mr L.C. Patil, learned counsel for the applicants/claimants, Mr G.B. Rajale, learned counsel for respondent No.3/acquiring body and Mr N.T. Bhagat, learned AGP for respondent Nos. 1 and 2.

3. Mr L.C. Patil, learned counsel for the applicants seeks leave to place on record a copy of order passed by this Court in Civil Application No.2942/2022 in First Appeal No. 1192/2020 dated 01.03.2022. Leave granted.
4. The copy of order dated 01.03.2022 is taken on record and marked as 'X' for identification.
5. Mr G.B. Rajale, learned counsel for the acquiring body and Mr N.T. Bhagat, learned AGP for the State fairly conceded the position about the order passed earlier by this Court arising out of same project whereby the claimants were allowed to withdraw 75% amount of compensation in deposit. By taking the same view, the following order is passed.

ORDER

- (A) The applications are hereby allowed as under :-
- (i) The applicants/claimants are permitted to withdraw 50% of the amount of compensation with accrued interest thereon on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.
- (ii) The applicants are further permitted to withdraw 25% of the amount of compensation with accrued interest thereon on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court.
- (iii) Remaining 25% of the balance amount shall be invested in Fixed Deposit Account in any nationalized bank initially for a period of one year with clause of renewal.
- (iv) The civil applications are accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)