

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

20 CIVIL APPLICATION NO.4903 OF 2022
IN FAST/5017/2019

SHIVAJI NAMDEO GOPHANE AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ANR

Mr A.S. More, Advocate for applicants
Mr N.T. Bhagat, A.G.P. for respondents No.1 and 2

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 25th April, 2022

PER COURT :

1. It is an application for withdrawal of compensation amount moved by the applicants.
2. Heard Mr A.S. More, learned Advocate for applicants and Mr N.T. Bhagat, learned A.G.P. for respondents No.1 and 2/State.
3. It is revealed during course of argument that the State/appellant was directed to deposit amount of compensation within a stipulated time and that conditional order seems to have not been complied. Resultantly, the appeal came to be dismissed for want of compliance.
4. It is further revealed that the State has deposited the amount of compensation thereafter by seeking permission from the Court vide order dated 20.1.2022. State has also filed an application for restoration of the appeal after depositing the entire decretal amount.
5. It is usual practice followed by this Court to allow the claimants to withdraw 75% amount of compensation. I do not see any reason to take any

different view. By taking same recourse, I proceed to pass the following order.

ORDER

- (i) The application is hereby allowed.
- (ii) The applicants/original claimants are permitted to withdraw 50% amount of compensation with accrued interest thereon on furnishing usual undertaking with the Registrar (Judicial) of this Court.
- (iii) The applicants/original claimants are further permitted to withdraw 25% amount of compensation with accrued interest thereon on furnishing solvent surety/security to the satisfaction of Registrar (Judicial) of this Court.
- (iv) Civil Application is accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)

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