

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

39 CIVIL APPLICATION NO.6422 OF 2022
IN FA/4129/2016

**TUKARAM RAVJI MAHAJAN (DIED) THR LRS DEVIDAS AND ORS
VERSUS
THE AREA MANAGER, MIDC, JALGAON AND ORS**

Mr Kuldeep Patil, Advocate h/f Ms Usha Yadav, Advocate for applicants
Mr G.S. Khaire, Advocate h/f Mr S.S. Dande, Advocate for respondent no.1
Mr A.B. Chate, A.G.P. for respondents No.2 and 3

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 25th April, 2022

PER COURT :

1. Heard Mr Kuldeep Patil holding for Ms Usha Yadav, learned Advocate for applicants, Mr G.S. Khaire holding for Mr S.S. Dande, learned Advocate for respondent No.1 and Mr A.B. Chate, learned A.G.P. for respondents No.2 and 3.
2. Original claimant No.4/Suman Madhukar Sawdekar is reported to be dead leaving behind legal heirs/legal representatives except husband. As such, learned Advocate for the applicants seeks deletion of name of claimant No.4 from Civil Application No.11427 of 2017 and seeks permission to withdraw the amount of compensation at the hands of remaining applicants.
3. Mr G.S. Khaire holding for Mr S.S. Dande, learned Advocate for respondent No.1 raised formal objection to allow this application. Mr Chate, learned A.G.P. also argued on the same lines.
4. Mr Kuldeep Patil, learned Advocate for applicants seeks leave to place on record copy of order dated 14.6.2018 passed by this Court (Coram : K.K. Sonawane, J) in Civil Application No.6200 of 2018 in First Appeal No.4048 of

2016. Leave granted. Copy of order dated 14.6.2018 is taken on record and marked as Exh."X" for identification. Mr Kuldeep Patil submits that this application and appeal are arising out of same group and project and seeks same order.

5. On going through the order passed by this Court referred above dated 14.6.2018, it is revealed that applicants are allowed to withdraw 50% amount of compensation on furnishing usual undertaking. The question is about withdrawal of 25% amount of compensation now the claimants seek to withdraw. In view of earlier order passed by this dated 14.6.2018 arising out of same group and project and in view of formal objection raised by the acquiring body, I proceed to pass the following order.

ORDER

- (i) The application is hereby allowed.
- (ii) The applicants are permitted to withdraw 25% amount of compensation on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court.
- (iii) The applicants/claimants are further permitted to delete name of respondent No.4 from Civil Application No.11427 of 2017 and remaining applicants are permitted to withdraw the amount of compensation in the light of modified order.
- (iv) Civil Application is accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)