

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

930 CIVIL APPLICATION NO.6555 OF 2022
IN FA/553/2020

UTTAM KONDIBA JAIWAL
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. D. A. Bide.
AGP for Respondent/State: Mr. P. M. Kulkarni.
...

CORAM : **SHRIKANT D. KULKARNI, J.**
DATE : 26th April, 2022.

P.C.:

. It is an application for withdrawal of compensation amount moved by the applicant/claimant.

2 Heard Mr. Bide, learned counsel for the applicant Mr. Kulkarni, learned AGP for State/respondent Nos.1 and 2.

3 The learned counsel for applicant seeks leave to place on record copy of order passed by this Court in Civil Application No.2082 of 2022 with connected matters. Leave granted. The same is taken on record and marked as 'X' for identification.

4 The learned counsel for applicant submits that this Court was pleased to allow the claimants to withdraw in all 75% of the amount of

compensation with accrued interest thereon. He, therefore, seeks similar relief for withdrawal of compensation.

5 The learned AGP for the State fairly conceded the position about passing of earlier order by this Court arising out of same project and allowing the claimants to withdraw in all 75% of the amount of compensation with interest.

6 I do not see any reason to take any different view. By taking the same view, I proceed to pass the following order:

ORDER

- I. The application is hereby allowed.
- II. The applicant/claimant is hereby permitted to withdraw 75% of the amount of compensation with accrued interest thereon and out of it, 50% on furnishing usual undertaking and 25% on furnishing security/surety to the satisfaction of the Registrar (Judicial) of this Court.
- III. After furnishing such undertaking and surety/security, the Registry to make payment to the claimant as per the procedure.

IV. Remaining 25% of the compensation amount with accrued interest thereon shall be invested in fixed deposit account in any Nationalized Bank initially for a period of one year with renewal clause.

V. The application is accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]

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