

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

CIVIL APPLICATION NO. 1996 OF 2022
IN
FIRST APPEAL ST. NO. 40772 OF 2019

RAMDAS TUKARAM PATIL (DEAD)
DECEASED HEIR
YAMUNABAI RAMDAS PATIL AND ORS.

VERSUS

THE STATE OF MAHARASHTRA AND ORS.

Advocate for Applicants : Mr A.B. Kale
AGP for Respondent Nos. 1 and 2 : Mr N.T. Bhagat
Advocate for Respondent No. 3 : Ms Ashwini R. Mate i/by Jay and Co.

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

PER COURT :

1. It is an application for withdrawal of compensation amount moved by the applicants/claimants.
2. Heard Mr A.B. Kale, learned counsel for the applicants/claimants.
3. Heard Ms Ashwini R. Mate instructed by Jay and Co. for respondent No.3/acquiring body and Mr N.T. Bhagat, learned AGP for respondent Nos. 1 and 2/State.
4. Mr A.B. Kale, learned counsel for the applicants/claimants seeks leave to place on record a copy of order dated 4th November, 2020 passed by this Court in Civil Application No. 6726/2020 in First Appeal No. 411/2020. Leave granted.

5. The copy of order dated 4th November, 2020 is taken on record and marked as 'X' for identification.

6. Ms Ashwini R. Mate instructed by Jay and Co. for respondent No.3/acquiring body fairly conceded the position about order passed earlier by this Court in above referred matter thereby allowing claimants to withdraw 50% amount of compensation. By taking the same view, 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 on furnishing usual undertaking to the Registrar (Judicial) of this Court.
- (iii) The civil application is accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)

mta