

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

913 CIVIL APPLICATION NO.6164 OF 2022
IN FA/798/2020

BHAGWAN MAHADEO KANWALE

VERSUS

THE STATE OF MAHARASHTRA
THR THE COLLECTOR, OSMANABAD AND ORS

...

Advocate for Applicant : Mr L.C. Patil
AGP for Respondent Nos. 1 and 2 : Mr A.B. Chate
Advocate for Respondent No. 3 : Mr A.M. Gaikwad

WITH

913 CIVIL APPLICATION NO.6159 OF 2022
IN FA/796/2020

RAGHUNATH KASHINATH DHOKALE

VERSUS

THE STATE OF MAHARASHTRA
THR THE COLLECTOR, OSMANABAD AND ORS

...

Advocate for Applicant : Mr L.C. Patil
AGP for Respondent Nos. 1 and 2 : Mr A.B. Chate
Advocate for Respondent No. 3 : Mr A.M. Gaikwad

WITH

913 CIVIL APPLICATION NO.6166 OF 2022
IN FA/799/2020

VITHAL ARJUN HAGARE (DIED)
THR LRS SURESH AND ORS.

VERSUS

THE STATE OF MAHARASHTRA
THR THE COLLECTOR, OSMANABAD AND ORS

...

Advocate for Applicant : Mr L.C. Patil
AGP for Respondent Nos. 1 and 2 : Mr A.B. Chate
Advocate for Respondent No. 3 : Mr A.M. Gaikwad

WITH

913 CIVIL APPLICATION NO.6161 OF 2022
IN FA/797/2020

BHARAT DIGAMBAR KANWALE

VERSUS

THE STATE OF MAHARASHTRA
THR THE COLLECTOR, OSMANABAD AND ORS

...

Advocate for Applicant : Mr L.C. Patil
AGP for Respondent Nos. 1 and 2 : Mr A.B. Chate
Advocate for Respondent No. 3 : Mr A.M. Gaikwad

WITH

913 CIVIL APPLICATION NO.6160 OF 2022
IN FA/793/2020

KALYAN MALLIKARJUN SWAMI

VERSUS

THE STATE OF MAHARASHTRA
THR THE COLLECTOR, OSMANABAD AND ORS

...

Advocate for Applicant : Mr L.C. Patil
AGP for Respondent Nos. 1 and 2 : Mr A.B. Chate
Advocate for Respondent No. 3 : Mr A.M. Gaikwad

WITH

913 CIVIL APPLICATION NO.6162 OF 2022
IN FA/794/2020

SIDDHSHWAR @ SIDDHU S/O DIGAMBAR KANWALE

VERSUS

THE STATE OF MAHARASHTRA
THR THE COLLECTOR, OSMANABAD AND ORS

...

Advocate for Applicant : Mr L.C. Patil
AGP for Respondent Nos. 1 and 2 : Mr A.B. Chate
Advocate for Respondent No. 3 : Mr A.M. Gaikwad

WITH

913 CIVIL APPLICATION NO.6165 OF 2022
IN FA/800/2020

RAMESHWAR DIGAMBAR KANWALE

VERSUS

THE STATE OF MAHARASHTRA
THR THE COLLECTOR, OSMANABAD AND ORS

...

Advocate for Applicant : Mr L.C. Patil
AGP for Respondent Nos. 1 and 2 : Mr A.B. Chate
Advocate for Respondent No. 3 : Mr A.M. Gaikwad

CORAM : SHRIKANT D. KULKARNI, J.
DATE : 28th APRIL, 2022

PER COURT :

1. These are the applications for withdrawal of compensation amount by the applicants/claimants.
2. Heard Mr L.C. Patil, learned counsel for the applicants, Mr A.M. Gaikwad, learned counsel for the acquiring body/respondent No. 3 and Mr A.B. Chate, learned AGP for respondent Nos. 1 and 2.
3. Mr L.C. Patil, learned counsel for the applicants/claimants seeks leave to place on record copy of order passed by this Court in Civil Application No. 7889/2021 in First Appeal No. 905/2020 with connected matters dated 12th August, 2021. Leave granted.
4. The copy of order dated 12th August, 2021 is taken on record and marked as 'X' for identification.
5. Mr L.C. Patil, learned counsel for the claimants submits that this group of appeals is arising out of same project though date of award is different. He therefore, seeks similar relief of withdrawal of 75% of the amount of compensation.
6. Mr A.B. Chate, learned AGP for the State and Mr A.M. Gaikwad, learned counsel for the acquiring body/respondent No. 3 have fairly conceded the position of passing of order of this Court dated 12th August, 2021 referred above whereby the applicants/claimants are allowed to withdraw in all 75% of the amount of compensation.

7. By taking the same view, I proceed to pass the following order :-

ORDER

- (i) The applications are hereby allowed.
- (ii) The applicants/claimants are hereby permitted to withdraw 75% of the amount of compensation with accrued interest thereon on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.
- (iii) The balance 25% of the amount of compensation with accrued interest thereon shall be invested in Fixed Deposit Account in any nationalized Bank for a period of one year initially with renewal clause.
- (iv) The civil applications are accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)

mta