

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

CIVIL APPLICATION NO.6577 OF 2022 IN FA/3655/2019

**SATISH PANDURANG GOVINDRAO KULKARNI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

....

Mr. L.C. Patil, Advocate for the Applicants
Mr. A.B. Chate, AGP for Respondent Nos.1 and 2 / State
Mr. A.M. Gaikwad, Advocate for Respondent No.3

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CORAM : SHRIKANT D. KULKARNI, J.

DATE : 27th APRIL, 2022

PER COURT:-

1. It is an application for withdrawal of compensation amount moved by the applicants / claimants.

4. Heard Mr. L.C. Patil, learned counsel for the applicants, Mr. Chate, learned AGP for respondent Nos. 1 and 2 and Mr. A.M. Gaikwad, learned counsel for respondent No.3 / acquiring body.

3. Mr. L.C. Patil, learned counsel for the applicants / claimants invited my attention to the copy of order passed by this Court in civil application No. 4980 of 2022 with connected matters dated 05.04.2022 arising out of the same project, which is placed on record in civil application no. 6579 of 2022 in first appeal No.3656 of 2022.

4. Mr. Patil, learned counsel submits that the applicants / claimants may be allowed to withdraw in all 75% of the amount of compensation with accrued interest thereon in view of the above referred order.

5. Mr. A.M. Gaikwad, learned counsel for respondent No.3 / acquiring body and Mr. Chate, learned AGP for respondent Nos. 1 and 2 / State have been fair enough to concede the position.

6. It is necessary to allow this application by taking the same view, which has been earlier taken by this Court in the above referred matters.

ORDER

(i) The application is hereby allowed.

(ii) The applicants / claimants are hereby permitted to withdraw 50% of the amount of compensation with accrued interest thereon subject to furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.

(iii) The applicants / claimants are further permitted to withdraw 25% of the amount of compensation with accrued interest thereon subject to furnishing solvent surety / security to the satisfaction of the Registrar (Judicial) of this Court.

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

(v) The civil application is accordingly disposed of.

[SHRIKANT D. KULKARNI]
JUDGE

S.P Rane