

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

919 CIVIL APPLICATION NO.9528 OF 2022
IN FA/138/2020 WITH CA/9528/2022 IN FA/138/2020

SATYABHAMA RAJARAM WAGHMARE (DIED) THR LRS MAHADU
AND ANR
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...
Advocate for Applicants : Mr, Sontakke Gajanan K.
AGP for Respondents: Mrs. D. S. Jape
...

CORAM : S. G. DIGE, J.
DATE : 01.07.2022

PER COURT :-

Heard learned counsel for the applicants and learned AGP and learned counsel for respondent Nos. 3 and 4.

2. Learned counsel for the applicants submits that there is marriage ceremony in the family of the applicants. The applicants are agriculturist and doing labour work. They are not having any other source of income. The applicants have been deprived from getting the fruits of their land acquired since 2000. The applicants are in need of money. Initially in this matter deceased applicant was allowed to withdraw the amount of 40% out of total amount. The said order was challenged before Hon'ble Apex Court by the deceased appellant. The Hon'ble Apex Court has allowed the appellant to withdraw

remaining 60% amount hence this application.

3. Learned counsel further submits that in connected group of matters this Court has allowed to withdrawal of 60% of the amount to the applicant therein. The learned counsel for respondent No.3 and 4 has not disputed about the order passed by the Hon'ble Apex Court.

4. Considering the submission of the learned counsel as well as Hon'ble Apex Court has permitted the applicants to withdraw 60% amount which is deposited before this Court, there is marriage in the house of the applicant hence I pass the following order :

ORDER

- (i) Application is allowed.
- (ii) The applicants are permitted to withdraw remaining 60% Balance amount of compensation deposited by respondent No.3 in this Court on furnishing solvent surety, security to the satisfaction of the learned Registrar Judicial of this Court.
- (iii) Upon furnishing such solvent surety Registrar to make payment to the applicant.

Application disposed of.

**(S.G. DIGE,)
JUDGE**

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