

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

10 CIVIL APPLICATION NO.13163 OF 2022
IN FA/896/2021

SUDHAKAR KADU PATIL AND OTHERS
VERSUS
THE COLLECTOR, JALGAON AND OTHERS

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Advocate for Applicants : Ms. S. A. Kale h/f.
Mr. Kale Ajeet B.
AGP for Respondent – State : Mr. A. A. Jagatkar
Advocate for Respondent No.4 : Mr. A.D. Pawar
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CORAM : SANDIPKUMAR C. MORE, J.

DATE : 19.09.2022

PER COURT :

. Heard rival submissions. The applicants are seeking direction to office to transfer the solvent surety / security amount along with the accrued interest thereon to the executing Court.i.e. the learned Civil Judge (Senior Division), Bhusawal on the ground that one of the applicants is suffering from illness and he cannot move.

2. It appears from the order dtd.01.04.2022 in Civil Application No.13451/2021 that the Acquiring Body despite order of payment of entire amount of compensation, only deposited 70 % of the same. Further this Court under the aforesaid order has granted permission to the applicants for withdrawing 50 % amount along with the

accrued interest thereon by furnishing usual undertakings and the remaining amount of 20 % was to be withdrawn by furnishing solvent surety/ security.

3. The learned counsel for the applicants submits that the applicants have already withdrawn 50 % amount on usual undertaking and only the remaining 20 % amount is lying herewith. Since solvent security/security could not be arranged for, the learned counsel for the Acquiring Body also admitted such position. In view of the same, the application stands allowed in terms of prayer clause 'B' and the office is directed to transmit the aforesaid remaining amount of 20 % to the concerned executing Court i.e. Civil Judge, (Senior Division), Bhusawal along with the accrued interest thereon till date. The applicants have permitted to furnish solvent surety / security to the aforesaid executing Court by filing separate application to that effect.

4. Application is accordingly disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

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shp/-