

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

**906 CIVIL APPLICATION NO.14865 OF 2022
IN FA/129/2020**

GOVIND GUNDAPPA KOLHE
VERSUS
THE STATE OF MAHARASHTRA, THR COLLECTOR, LATUR AND
OTHERS

Advocate for Applicant : Mr.Sontakke G.K.
AGP for Respondents-State : Mr.S.N.Morampalle
Advocate for Respondent Nos.3 & 4 : Mr. S.G. Bhalerao

CORAM : S. G. DIGE, J.

DATE : 20th October, 2022

PER COURT :-

1. Heard learned counsel for the applicant, learned AGP for respondents-State and learned counsel for respondent Nos.3 and 4.

2. Learned counsel for the applicants submits that earlier applicant had filed application for withdrawal of amount. This Court (Coram : R.G.Avachat, J.) had allowed the applicant to withdraw 40% amount alongwith accrued interest thereon. The said order was challenged before the Hon'ble Apex Court. The Hon'ble Apex Court has remanded the matter to this Court and directed to consider withdrawal of 100% amount considering that in similarly situated matters, withdrawal of 100% amount is

allowed. Thereafter, on remanding the matter, this Court (Coram: Shrikant D.Kulkarni, J.) has permitted the applicants in connected group of matters to withdraw remaining 60% amount alongwith accrued interest thereon. Hence, requested to pass the similar order and allow the application.

3. Learned counsel for respondent Nos.3 and 4 strongly objected to allow the application on the ground that the Reference Court has given interest from the date of possession. It is against the ratio laid down by the Full Bench of this Court. If respondent Nos.3 and 4 succeed in the appeal, it would be difficult for respondent Nos.3 and 4 to recover the amount. Learned counsel further submits that this fact was not brought on record before the Hon'ble Apex Court while arguing the matter. Hence, requested to reject the application.

4. I have heard both the learned counsel. In connected group of matters out of the same acquisition, this Court (Coram : Shrikant D.Kulkarni, J.) has permitted the applicants therein to withdraw remaining 60% amount alongwith accrued interest thereon. The said order was passed as per the directions of the Hon'ble Apex Court. Hence, this Court cannot take different view. Moreover, this Court is directing the applicant to furnish

solvent surety for withdrawal of the remaining amount. It would meet the ends of justice. Hence, I pass the following order :

ORDER

- (i) Application is allowed.
- (ii) Applicant is permitted to withdraw remaining 60% amount alongwith accrued interest thereon on furnishing solvent surety / security to the satisfaction of the Registrar (Judicial) of this Court.
- (iii) Application is disposed of.

(S. G. DIGE)
JUDGE

SPT