

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

CIVIL APPLICATION NO. 12644 OF 2021 IN FA/2964/2021

GOVIND RAM KENDRE (DIED) THROUGH L.RS.
SANDIPAN GOVIND KENDRE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR,
LATUR AND OTHERS

....
Mr. P.C. Mayure, Advocate for the Applicant
Mr. N.T. Bhagat, Advocate for Respondent Nos.1 and 2
....

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 27th APRIL, 2022

PER COURT:-

1. It is an application for withdrawal of compensation amount moved by the applicant / claimant.
2. Heard Mr. Amol Gandhi, learned counsel for the applicant / claimant and Mr. Bhagat, learned AGP for respondent Nos. 1 and 2 / State
3. In view of order passed by this Court (Coram : R.G. Avachat, J.) dated 26.11.2021 in civil application No.12636 of 2021 in first appeal (stamp) No. 30222/2019 with connected applications, the following order is passed.

ORDER

- (i) The applications are hereby allowed.
- (ii) The applicant / claimant is permitted to withdraw 75% amount of the compensation deposited by the acquiring body, 50% on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court and 25% on furnishing solvent surety / security to the satisfaction of the Registrar (Judicial) of this Court.
- (iii) The applicant claimant further undertake to repay the amount with interest at the rate of 5% per annum, if the appeal is decided against him and if so directed by 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