

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

911 CIVIL APPLICATION NO.14049 OF 2021
IN FA/1537/2012

KAMALABAI KASHIRAM SWARNAKAR (DIED) THR LRS KASHIRAM AND ORS
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, LATUR ANDORS

Mr L.C. Patil, Advocate for applicants
Mr S.P. Deshmukh, A.G.P. for respondents no.1 and 2
Mr S.G. Sangle, Advocate for respondent no.3

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 1st March, 2022

PER COURT :

1. Heard learned Counsel for respective parties.
2. Mr L.C. Patil, learned Counsel for applicants seeks leave to place on record copy of order dated 19.10.2020 passed by this Court in Civil Application No.6183 of 2020 in First Appeal No.1538 of 2012. Leave granted. The copy of order dated 19.10.2020 is taken on record and marked "X" for identification. Mr L.C.Patil for the claimants seeks similar order regarding withdrawal of amount. Mr Deshmukh, learned A.G.P. for the State and Mr Sangle, learned Counsel for acquiring body fairly concedes the position of passing of earlier order passed by this Court in Civil Application No.6183 of 2020. By taking the same recourse, the application needs to be allowed as under :

ORDER

- (i) The application is hereby allowed.
- (ii) The applicants are permitted to withdraw 50% of the amount of compensation on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court and remaining balance amount on furnishing solvent security or Bank guarantee of the like amount.

- (iii) Civil Application is accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)

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