

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

909 CIVIL APPLICATION NO.13985 OF 2021
IN FA/1994/2020

DATTATRAYA YADAVRAO MANE (DIED) THR LR MADHUKAR D. MANE
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, OSMANABAD AND
ORS

AND
CIVIL APPLICATION NO.13981 OF 2021
IN FA/1998/2020

ANUSAYA SIDDARAM MANE
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, OSMANABAD AND
ORS

AND
CIVIL APPLICATION NO. 13982 OF 2021
IN
FA/1996/2020

RAM BHASKARRAO KULKARNI AND ORS.
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, OSMANABAD AND
ORS

AND
CIVIL APPLICATION NO. 13984 OF 2021
IN
FA/1997/2020

VISHWANATH GOVIND IGAVE
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, OSMANABAD AND
ORS

AND
CIVIL APPLICATION NO.13983 OF 2021
IN
FA/1995/2020

ARVIND VITTHAL SALUNKE
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, OSMANABAD AND
ORS

Mr M.R. Malpani, Advocate h/f Mr A.B. Kale, Advocate for applicants
Mr S.P. Deshmukh, A.G.P. for respondents no.1 and 2
Mr A.S.Shelke, Advocate for respondent no.3

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 1st March, 2022

PER COURT :

1. These are the applications for withdrawal of amount moved by the original claimants.
2. Heard Mr M.R. Malpani holding for Mr A.B. Kale, learned Advocate for applicants/claimants, Mr S.P. Deshmukh learned A.G.P. for respondents no.1 and 2 and Mr A.S. Shelke, learned Advocate for respondent no.3/acquiring body.
3. Mr Malpani, learned Advocate for applicants pointed out that the S.L.A.O. and reference Court were pleased to award compensation for the acquired houses of the respective applicants as under :

CIVIL APPLICATION NO. AND NAME OF THE APPLICANT	COMPENSATION AWARDED BY SLAO	COMPENSATION ENHANCED BY REFERENCE COURT
CIVIL APPLICATION NO.13985 OF 2021 IN FA/1994/2020 DATTATRAYA YADAVRAO MANE (DIED) THR LR MADHUKAR D. MANE	Rs.1,90,267	Rs.4,97,505
CIVIL APPLICATION NO.13981 OF 2021 IN FA/1998/2020 ANUSAYA SIDDARAM MANE	Rs.4,102	Rs.21,338
CIVIL APPLICATION NO. 13982 OF 2021 IN FA/1996/2020 RAM BHASKARRAO KULKARNI AND ORS.	Rs.2,17,240	Rs.7,06,440

CIVIL APPLICATION NO. 13984 OF 2021 IN FA/1997/2020 VISHWANATH GOVIND IGAVE	Rs.18,234	Rs.1,02,840
CIVIL APPLICATION NO.13983 OF 2021 IN FA/1995/2020 ARVIND VITTHAL SALUNKE	Rs.47,940	Rs.1,85,850

4. Mr Malpani urged to allow the claimants to withdraw 100% amount.
5. Mr Chate, learned A.G.P. for respondents no.1 and 2 and Mr A.S. Shelke, learned Advocate for respondent no.3 strongly opposed to allow the applications. Both of them submitted that there are strong grounds in the appeals and they are hoping success in the appeals. Both of them submitted that the applications may be rejected.
6. It is the practice of this Court to allow the original claimants to withdraw 75% of the amount in deposit and out of it, 50% on usual undertaking and 25% on furnishing solvent surety/security to the satisfaction of Registrar (Judicial) of this Court. It is the case of compulsory acquisition and by taking same recourse, the applicants need to be permitted to withdraw 75% of the amount in deposit.

ORDER

- (i) The applicants/claimants are permitted to withdraw 75% of the amount of compensation and out of it 50% amount is permitted to be withdrawn on furnishing usual undertaking to the satisfaction of Registrar (Judicial) of this

Court and remaining 25% on furnishing solvent surety/security to the satisfaction of Registrar (Judicial) of this Court.

(ii) After furnishing such undertaking and solvent surety/security, the Registry to make payment to the respective claimants as per procedure.

(iii) The Civil Applications are accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)

VVR