

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

CIVIL APPLICATION NO.13720 OF 2021 IN FA/2250/2018

**VASANT SHIVAJI TAMBE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR,
OSMANABAD AND OTHERS**

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Mr. R.V. naiknavare, Advocate for the Applicant
Mr. P.M. Kulkarni, AGP for Respondent Nos. 1 and 2 / State
Mr. G.B. Rajale, Advocate for Respondent No.3 / acquiring body

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CORAM : SHRIKANT D. KULKARNI, J.

DATE : 21st FEBRUARY, 2022

PER COURT:-

1. Heard Mr. R.V. Naiknavare, learned counsel for the applicant, Mr. Kulkarni, learned AGP for respondent nos. 1 and 2 and Mr. Rajale, learned counsel for respondent no.3 / acquiring body on the point of withdrawal of amount .

2. Mr. Naiknavare, learned counsel for the applicant seeks leave to place on record the copy of order passed by this Court in civil application no. 13719 of 2021 in first appeal no. 2245 of 2018 dated 20.12.2021.

3. Leave granted. Copy of order dated 20.12.2021 is taken on record and marked as 'A' for identification.

4. Mr. Naiknavare, learned counsel for the applicant submits that this Court was pleased to grant permission to the applicant in that case to withdraw 75% of the amount of compensation deposited by the acquiring body on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.

5. Mr. Rajale, learned counsel for the acquiring body fairly concedes and position and the earlier order passed by this Court.

6. By taking the same view, this application needs to be allowed.

ORDER

(i) The application for withdrawal of amount is hereby allowed.

(ii) The applicant / original claimant is permitted to withdraw 75% of the amount of compensation deposited by the acquiring body with accrued interest thereon on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.

(iii) 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 two years with clause of renewal.

(iv) The civil application is accordingly disposed of.

[SHRIKANT D. KULKARNI]
JUDGE

S.P. Rane