

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

905 CIVIL APPLICATION NO.506 OF 2022
IN FA/3567/2018

DEVIDAS GOPAL HAJARE (DIED) THR. LRS LAXMIBAI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA, THROUGH THE COLLECTOR,
OSMANABAD AND OTHERS

...
Advocate for Applicants : Mr. Gajanan K. Sontakke.
AGP for Respondent/State: Mr. P. M. Kulkarni.
Advocate for Respondent No.3 : Mr. R. A. Tambe.
...

CORAM : **SHRIKANT D. KULKARNI, J.**
DATE : 26th February, 2022.

P.C.:

1. It is an application moved by the applicants / original claimants seeking permission to withdraw the entire amount of compensation deposited by the acquiring body.
2. Heard Mr. G.K. Sontakke, learned counsel for applicants / original claimants, Mr. Kulkarni, learned AGP for respondent Nos.1 and 2 and Mr. R. A. Tambe, learned counsel for respondent No.3 / acquiring body.
3. Mr. Sontakke, learned counsel for the applicants seeks leave to place on record the copy of order passed by this Court in connected matters arising out of same project.

4. Leave granted. Copy of the order passed by this Court dated 23.10.2020 in civil application no.6306/2020 with connected matters is taken on record and marked as 'X' for identification.

5. On perusing the copy of order, it is evident that my learned brother (Honourable Shri Justice V.K. Jadhav) vide order dated 23.10.2020 was pleased to allow the applicants / original claimants to withdraw 50% amount on furnishing undertaking to the satisfaction of the Registrar (Judicial) of this Court and 25% amount on furnishing solvent surety or bank guarantee of any scheduled bank to the satisfaction of the Registrar (Judicial) of this Court.

6. I do not see any reason to take different view. The same course needs to be adopted in this application for withdrawal of the amount.

ORDER

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

(ii) The applicants / original claimants are hereby allowed to withdraw 50% of the amount with accrued interest thereon deposited by the acquiring body / respondent no.3 on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court and 25% of the amount with accrued interest there on subject to furnishing solvent surety or bank guarantee of any scheduled bank 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 fixed deposit in any nationalized Bank initially for a period of two years with clause to renew it time to time.

(iv) The civil application is disposed of accordingly.

[SHRIKANT D. KULKARNI, J.]

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