

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

26 CIVIL APPLICATION NO.53 OF 2022
IN FA/959/2021

GOPAL GUNDOPANT SHINDE (DIED)
THROUGH LRS VIJAYMALA AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA,
THROUGH THE DISTRICT COLLECTOR, OSMANABAD AND OTHERS

...
Advocate for Applicants : Ms. Laxmi R. Thakur, h/f Mr. L. C. Patil.
AGP for Respondent/State: Mr. P. M. Kulkarni.
Advocate for Respondent No.3 : Mr. Anant D. Gadekar.
...

CORAM : **SHRIKANT D. KULKARNI, J.**
DATE : 21st March, 2022.

P.C.:

. It is an application for withdrawal of amount moved by the applicants/claimants.

2 Mr. Anant Gadekar, learned counsel for respondent No.3 points out that the applicants/claimants have shown incorrect designation of respondent No.3 in this application. Ms. Thakur, holding for Mr.L.C.Patil, learned counsel for applicants seeks permission to correct the designation of respondent No.3. Leave granted.

3 Ms. Thakur, holding for Mr. L. C. Patil, learned counsel for applicants seeks permission to place on record copy of order passed by this Court in Civil Application No.5756 of 2021 with connected

matters dated 3rd July, 2021. The copy of order is taken on record and marked as 'X' for identification.

4 Ms. Thakur, holding for Mr. L. C. Patil, learned counsel for applicants submits that this application/appeal is arising out of same project and same notification. This Court was pleased to allow the claimants to withdraw 75% of the amount in deposit.

5 Mr. Anant Gadekar, learned counsel for the acquiring body and Mr. P. M. Kulkarni, learned AGP for State fairly concede this position and the order passed by this Court dated 3rd July, 2021 referred above.

6 Having regard to the submissions of the learned counsel for respective sides and in view of order passed by this Court in connected matters marked as 'X', the same course needs to be adopted in absence of any change in circumstances. With this, I conclude and pass the following order:

ORDER

- I. The application is hereby allowed as under:
- II. The applicants/claimants are hereby permitted to withdraw 50% of the amount of compensation deposited by respondent No.3/acquiring body in this

Court on furnishing usual undertaking with the Registrar (Judicial) of this Court.

III. The applicants/claimants are further permitted to withdraw 25% of the amount deposited by respondent No.3/acquiring body in this Court on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court.

IV. The civil application is accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]

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