

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

914 CIVIL APPLICATION NO.719 OF 2020

**IN
FA/1896/2019**

**SUBADRABAI BALIRAM KILJE THR LRS UDHAV
VERSUS
THE STATE OF MAHARASHTRA AND ANR**

...
Advocate for Applicant : Kale Ajeet B. (consent Not Obtained) Mr.V V Ingale
AGP for Respondent Nos. 1 & 2 -State : Mr. S.N.Morampalle

...

**CORAM : VINAY JOSHI, J.
DATE : 3rd MARCH 2022.**

PER COURT :

1. Heard.
2. The applicants -original claimants seeking for withdrawal of awarded amount.
3. The learned AGP for Respondent Nos. 1 & 2 -State has objected for withdrawal of the amount contending that the enhancement granted by the Reference Court is excessive.
4. The applicants have contended that in similar matters this Court has permitted 70% withdrawal. A copy of the order dated 17th June, 2021 passed in CA No. 717 of 2020 is produced to show that in another connected appeal arising out of the same judgment, this Court has permitted 70% withdrawal. Besides that a copy of

order dated 22.01.2021 passed in CA No. 1049 of 2021 is produced to show that in another matter arising out of the same award this Court has permitted 70% withdrawal.

5. Having regard to the above facts and reasons already expressed by this Court and the view already taken by this Court, there is no reason for deviation. In view of that the applicants are permitted to withdraw amount to the extent of 70%, on furnishing undertaking to the satisfaction of the Registrar (Judicial) of this Court, on condition that in case of reversal, modification of award, he would re-deposit the amount in this Court within eight weeks from the date of passing of such order.

6. The balance amount be invested in the Fix Deposit, in any nationalized Bank for a period of three years.

7. The above withdrawal is subject to final outcome of the appeal.

8. The Civil Application stands disposed of.

(VINAY JOSHI, J.)