

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

CIVIL APPLICATION NO.15221 OF 2019 IN FA/1782/2018

**KAKASAHEB RAMKRUSHNA PATIL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

....

Mr. A.B. Kale, Advocate for the Applicants
Mr. P.M. Kulkarni, AGP for Respondent No. 1

....

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 22nd MARCH, 2022

PER COURT:-

1. It is an application moved by the applicants to withdraw their individual amount of share along with interest thereon deposited by respondent no.2 / acquiring body in this Court.

2. Heard Mr. A.B. Kale, learned counsel for the applicants and Mr. P.M. Kulkarni, learned AGP for respondent no.1 / State. Mr. D.B. Pawar, learned counsel for respondent no.2 is absent, when matter is called out.

3. This Court vide order dated 26.02.2022 was pleased to issue directions to the learned counsel for the applicants to make necessary calculations and apportionment and submit the chart before this Court and provide copy of the same to the learned AGP

as well as Mr. Pawar, learned counsel for respondent no.2 / acquiring body.

4. Accordingly, Mr. Kale, learned counsel for the applicants has placed on record the chart prepared by the applicants and also provided copy of it to Mr. Kulkarni, learned AGP. The copy of the chart is taken on record and marked as 'X' for identification.

5. Mr. Kale, learned counsel for the applicants submitted that the original claimant no.4 is not alive and his widow is brought on record in his place, but she is not responding regarding withdrawal of amount of her share. As such, the widow of original claimant no.4 is now made as respondent no.3. Mr. Kale, learned counsel for the applicants seeks to withdraw the share of the compensation amount pertaining to present applicant nos. 1 to 3 in view of earlier order passed by this Court on 27.04.2018.

6. Mr. D.B. Pawar, learned counsel for respondent no. 2 / acquiring body remained absent, when matter is called out. On the previous date Mr. D.B. Pawar, learned counsel also marked absent.

7. Mr. Kulkarni, learned AGP opposed to allow this application.

8. I do not see any reason to refuse the prayer of Mr. Kale, learned counsel for the applicants, for withdrawal of the individual amount of their share by retaining the share of original claimant no. 4 who is replaced by the widow original claimant no.4 is now made as respondent no.3.

9. Having regard to the above reasons and discussion, I proceed to pass the following order.

ORDER

(i) The application is hereby allowed in terms of prayer clause (B) and the applicants are permitted to withdraw their individual amount of share with accrued interest thereon as per order passed by this Court dated 27.04.2018.

(ii) The date for furnishing undertaking as per the order dated 27.04.2018 is hereby extended by six weeks.

(iii) The civil application is accordingly disposed of.

[SHRIKANT D. KULKARNI]
JUDGE