

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Civil Application (CAF) No. 1962/2021

IN

First Appeal (FA) No. 335/2015

State of Maharashtra and anr.

..VS..

Karnu s/o Daulat Khobragade and ors.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Ms. Hemlata Jaipurkar, Assistant Government Pleader for the appellants/non-applicants
Shri I.N. Choudhari, Advocate for applicant/respondent nos. 1A to 1G
Ms. Vaishali Khadekar, Advocate for the respondent no. 2

CORAM : A. S. CHANDURKAR J.

DATED : 08/04/2022

Notice on the civil application is made forthwith. Ms. Hemlata Jaipurkar, learned Assistant Government Pleader waives service of notice for original appellants/non-applicants. Ms. Vaishali Khadekar, learned Counsel waives service of notice for the original respondent no. 2.

On 03.05.2016 the claimants were permitted to withdraw an amount of compensation of Rs.20,00,000/- on furnishing an undertaking and further amount of compensation of Rs.20,00,000/- was permitted to be withdrawn on furnishing solvent surety/security. The total amount deposited is Rs.52,60,880/-. By referring to the orders passed in First Appeal Nos. 77/2016, 78/2016, 79/2016, 84/2016, 85/2016, 86/2016, 87/2016, 88/2016, 89/2016, 90/2016, 91/2016 and 93/2016 it is submitted that the amount of compensation deposited by the acquiring body was permitted to be withdrawn by furnishing undertaking. Hence the direction to furnish solvent surety/security

for withdrawing the amount of Rs.20,00,000/- be modified.

Considering the orders passed in the aforesaid First Appeals the claimants are permitted to withdraw further amount of Rs.20,00,000/- (Rupees Twenty Lakhs only) by furnishing an undertaking stating therein that if the appeal is allowed the amount shall be repaid with interest at such rate the Court may direct. In effect thereof the claimants can now withdraw the amount of Rs.40,00,000/- (Rupees Forty Lakhs only) on furnishing undertaking.

With this clarification, the civil application is allowed and disposed of. No costs.

JUDGE

SANDIP
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