

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

**8 CIVIL APPLICATION NO.2770 OF 2023
IN FA/2123/2019**

**DURGADAS RAOSAHEB JAGTAP
VERSUS
THE STATE OF MAHARASHTRA THROUGH DIST. COLLECTOR,
OSMANABAD AND ANR**

...
Advocate for Applicant : Mr.Kadam Annasaheb S.
AGP for Respondents/State : Mr.S.S.Dande
...

**CORAM : KISHORE C. SANT, J.
DATE : 07.09.2023.**

PER COURT :

1. This application is filed for withdrawal of the amount i.e. deposited by the appellant in this Court. The applicant is the respondent/original Claimant. He has filed a reference for enhancement of the amount under Section 18 of the Land Acquisition Act.

2. The learned Reference Court i.e. the 5th Joint C.J.S.D.,Osmanabad was pleased to partly allowed the reference with proportionate costs. The appellant Acquiring Body and the State have filed appeal as condition for stay alongwith deposit of entire amount of compensation in this Court. This application is therefore is filed seeking withdrawal of the said amount. The

learned Advocate for the applicants/claimants produce on record a copy of order passed by this Court on 01.03.2023 in similar Civil Applications from the same project, whereby a permission is granted to withdraw 75% of the amount deposited along with interest accrued thereon by furnishing usual undertaking.

3. After hearing the parties, this Court finds that similar order can be passed even in the present application, hence following order :

ORDER

- (a) The Civil Application is allowed.
- (b) The applicant is permitted to withdraw 75% of the amount deposited in this Court on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court, alongwith interest, if any, accrued thereon.
- (c) The remaining amount of 25% be kept in a Fixed Deposit on yearly renewal basis till further orders.
- (d) The Civil Application stands allowed and disposed off.

**(KISHORE C. SANT)
JUDGE**