



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

908 CIVIL APPLICATION NO. 11573 OF 2023
IN FA/1540/2023

WITH

CIVIL APPLICATION NO. 3082 OF 2023
IN FA/1540/2023

WITH

CIVIL APPLICATION NO. 12076 OF 2023
IN FA/1540/2023

Maheebub Shah Abdul Shah Died His Lrs. Apsanabi W/o Maheebub Shah And
Ors

....Applicant

VERSUS

The State Of Maharashtra Through Collector, Aurangabad And Ors

.....Respondent

.....

Advocate for Applicant : Mr. Kshirsagar Hemraj P.

AGP for Respondents 1 & 2 : Mrs. M.L. Sangit

Advocate for Respondent 3 : Mr. H.U. Dhage

Advocate for applicant in CA 12076/23 : Mr. S.N. Rodge

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CORAM : ARUN R. PEDNEKER, J.

Dated : December 22, 2023

PER COURT :-

1. Mr. Rodge, learned counsel for the applicants in Civil Application No. 12076/2023 submits that he may be granted liberty to withdraw the civil application, which is not objected by the other side. In view of the same, Civil Application No. 12076/2023 is disposed of as withdrawn.
2. In application filed for withdrawal of amount, heard the learned counsel for the parties.
3. The learned counsel for the Acquiring Body submits that in other connected matters, this Court has permitted the applicants therein to

withdraw 50% of the amount deposited in this Court. Although he has not produced the order in which 50% amount is permitted to be withdrawn, he has produced the order dated 31.10.2023 passed in Writ Petition No. 13576/2023 with other connected matters, wherein the fact is recorded that in connected matters 50% amount is permitted to be withdrawn. He relies upon the order dated 31.10.2023 passed in Writ Petition No. 13576/2023 with other connected matters.

4. In view of the above, the applicants are permitted to withdraw 50% of the amount deposited in this Court along with the accrued interest thereon till date to the extent of their share subject to usual undertaking to be furnished to the satisfaction of the Registrar Judicial of this Court. In the peculiar facts of the case, registry is hereby directed to disburse the individual cheques simultaneously on the single day to all the applicants so as to avoid objection being raised for withdrawal of the amount, after withdrawal of the amount of some of the applicants. Civil Application for withdrawal of amount is disposed of accordingly.

5. Since the appellant/Acquiring Body has deposited amount of compensation as directed by this Court, the ad-interim stay granted earlier is confirmed. Stay application is disposed of.

6. Appeal is **admitted**.

7. On admission, the respective counsel appearing for respondents waive service of notice for respective respondents.

8. Call R. & P.

[ARUN R. PEDNEKER J.]

ssc/