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926, 929 and 930 sr.nos..odt

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

CIVIL APPLICATION NO.7607 OF 2023
IN FA/669/2022 WITH CA/3568/2022 IN FA/666/2022 WITH
CA/3575/2022 IN FA/667/2022 WITH CA/3572/2022 IN FA/669/2022
WITH CA/3570/2022 IN FA/668/2022 WITH CA/7608/2023 IN
FA/668/2022

ANANDRAO VYANKATRAO SURYAWANSHI
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR,
OSMANABAD AND ORS

...

Advocate for Applicants : Mr. Ramesh Vitthal Naiknavare
AGP for Respondents: Mr. S.S. Dande.
Advocate for respondent No.3 Mr. S.G. Sangle.

AND

CIVIL APPLICATION NO.7656 OF 2023
IN FA/634/2022 WITH CA/3555/2022 IN FA/634/2022 WITH
CA/3557/2022 IN FA/639/2022 WITH CA/3559/2022 IN FA/636/2022
WITH CA/3563/2022 IN FA/635/2022 WITH CA/3561/2022 IN
FA/638/2022 WITH CA/7653/2023 IN FA/636/2022 WITH
CA/7654/2023 IN FA/635/2022 WITH CA/7652/2023 IN FA/638/2022

GHANSHYAM MAHANTAPPA CHINCHOLE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR,
OSMANABAD AND ORS

...

Advocate for Applicants : Mr. Ramesh Vitthal Naiknavare
AGP for Respondents: Mr. S.S. Dande.
Advocate for respondent No.3 Mr. S.G. Sangle.

AND

930 CIVIL APPLICATION NO.7660 OF 2023
IN FAST/14317/2022 WITH CA/10880/2022 IN FAST/14317/2022
WITH CA/10881/2022 IN FAST/14317/2022 WITH CA/10882/2022 IN
FAST/14327/2022 WITH CA/10883/2022 IN FAST/14327/2022 WITH
CA/10884/2022 IN FAST/14330/2022 WITH CA/10885/2022 IN FAST/
14330/2022 WITH CA/10886/2022 IN FAST/14333/2022 WITH

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CA/10887/2022 IN FAST/14333/2022 WITH CA/7659/2023 IN
FAST/14327/2022

ISHWAR RAMA KAMBLE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR
OSMANABAD AND ORS

Advocate for Applicants : Mr. Ramesh Vitthal Naiknavare
AGP for Respondents: Mr. S.S. Dande.
Advocate for respondent No.3 Mr. S.G. Sangle.

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 23rd JUNE, 2023

ORDER :-

IN CIVIL APPLLLICATION FOR STAY

Mr. Sangle., learned advocate for the appellant submits that the entire amount as per the award passed by the Tribunal has been deposited with the Registry of this Court. In that view of the matter, civil application is allowed in terms of prayer clause (B) and stand disposed of.

IN CIVIL APPLICATION FOR WITHDRAWAL

Mr. Naiknaware learned advocate for the applicants submits that this Court, after considering the grounds of appeal and the reasoning adopted by the Reference Court permitted withdrawal of 75% of the amount in connected matters arising out of the same award of

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acquisition.

He placed reliance on the order dated 17.2.2023 passed in Civil Application No. 2048 of 2023 in FA No. 661 of 2023 with other connected matters.

Mr. Dande , AGP for the State and Mr. Sangle learned advocate for the Acquiring Body do not dispute this position. Considering the submissions advanced, the same course needs to be followed.

Hence, the applications are allowed. The applicants are permitted to withdraw 75% of the amount deposited in this court alongwith interest accrued thereon, subject to conditions i.e. 50% on usual undertaking to be furnished with the Registrar (Judicial) of this Court and 25% by furnishing solve surety/security alongwith proportionate interest thereon. The balance amount be kept in Fixed Deposit in any Nationalized bank on yearly renewal basis till final dispose of this appeal.

Civil applications are disposed of.

[S.G. CHAPALGAONKAR]
JUDGE

grt/-