

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

917 CIVIL APPLICATION NO. 7860 OF 2023
IN FIRST APPEAL NO. 2589 OF 2021
WITH CA/7067/2021 IN FA/2589/2021
WITH CA/7064/2021 IN FA/2588/2021
WITH CA/7861/2023 IN FA/2588/2021
WITH CA/7069/2021 IN FA/2590/2021
WITH CA/7875/2023 IN FA/2590/2021
WITH CA/7071/2021 IN FA/2591/2021
WITH CA/7862/2023 IN FA/2591/2021

BALU SIKANDAR ATTAR
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR
OSMANABAD AND OTHERS

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Mr. L.C. Patil – Advocate for Applicant
Mr. P.M. Kulkarni – AGP for Respondent Nos.1 and 2, State
Mr. S.B. Patil and Mr. D.R. Jethalia – Advocates for
Respondent No.3

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CORAM : SANDIPKUMAR C. MORE, J.
DATE : 30th June, 2023

PER COURT :

CIVIL APPLICATION NO. 7860 OF 2023
CIVIL APPLICATION NO. 7861 OF 2023
CIVIL APPLICATION NO. 7862 OF 2023
CIVIL APPLICATION NO. 7875 OF 2023

1. Heard rival submissions.

2. The respective applicants are seeking withdrawal of their entire amounts of compensation, which have been deposited by the acquiring body alongwith the interest accrued thereon. It seems that, the appellant – acquiring body has deposited only 50% of the compensation amounts in all these matters.

3. This Court vide order dated 14th September, 2021 in other connected matters has permitted the applicants therein to withdraw 75% of the compensation amounts. However, since the acquiring body in those matters had deposited 100% of the compensation amounts and therefore there was withdrawal of 75%. In these matters only 50% amounts of compensation are deposited. As such, the applicants herein are permitted to withdraw entire deposited amounts which are 50% of the total compensation amounts alongwith the interest thereon till date on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.

4. The civil applications are accordingly disposed of.

CIVIL APPLICATION NO. 7064 OF 2021
CIVIL APPLICATION NO. 7069 OF 2021
CIVIL APPLICATION NO. 7067 OF 2021

CIVIL APPLICATION NO. 7071 OF 2021

5. Since the appellant – acquiring body has deposited amounts of compensation as directed by this Court, the applications are made absolute in terms of prayer clause – B and disposed of.

FIRST APPEAL NO. 2589 OF 2021

FIRST APPEAL NO. 2588 OF 2021

FIRST APPEAL NO. 2590 OF 2021

FIRST APPEAL NO. 2591 OF 2021

6. Heard.

7. **Admit.**

8. The learned Counsel – Mr. L.C. Patil waives service for all respective respondents – claimants in all the appeals.

9. The learned A.G.P. also waives service of notice for respondent Nos.2 and 3 in all appeals.

[SANDIPKUMAR C. MORE]
JUDGE