

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

37 CIVIL APPLICATION NO.5224 OF 2023
IN FAST/6591/2021 WITH CA/3098/2021 IN FAST/6591/2021 WITH
CA/3099/2021 IN FAST/6591/2021 WITH CA/3104/2021 IN
FAST/6763/2021 WITH CA/3105/2021 IN FAST/6763/2021 WITH
CA/3100/2021 IN FAST/6768/2021 WITH CA/3101/2021 IN
FAST/6768/2021 WITH CA/3102/2021 IN FAST/6772/2021 WITH
CA/3103/2021 IN FAST/6772/2021 WITH CA/5225/2023 IN
FAST/6772/2021 WITH CA/5227/2023 IN FAST/6763/2021 WITH
CA/6252/2023 IN FAST/6768/2021 WITH CA/5226/2023 IN
FAST/6768/2021 WITH CA/5228/2023 IN FAST/6763/2021

MAHADEO BHAGWAN ZAMBARE
VERSUS
THE STATE OF MAHARASHTRA, THROUGH THE COLLECTOR, OSMANABAD
AND ORS

...
Advocate for Applicant : Mr. M.K. Jadhav h/f. Mr. A.S. More
AGP for Respondents 1 & 2 : Mr. K.N. Lokhande
Advocate for Respondent 3 : Mr. A.R. Kawade h/f. Mr. P.A. Pisal
...

CORAM : ARUN R. PEDNEKER, J.
DATED : 06/11/2023

PER COURT :

1. Civil applications filed for bringing the legal heirs of deceased respondent/claimant are allowed. Necessary amendment be carried out within one week in the appeal memo.
2. Civil Applications for withdrawal of amount are filed by the claimants. The learned counsel for the claimants submits that vide order dated 28.4.2023 passed in Civil Application No. 4037/2023 in First Appeal St. No. 25189/2020 with other connected matters, this Court has permitted the applicants therein to withdraw 60% of the entire compensation amount alongwith proportionate interest thereon. The learned counsel for the claimants submits that the present matters arise out of the same acquisition proceedings.

3. The learned counsel for the Acquiring Body has strongly opposed the applications for withdrawal of amount.

4. In view of the submissions made, I deem it appropriate to permit the applicants/claimants herein to withdraw 60% of the entire compensation amount deposited in this Court along with the proportionate interest accrued thereon till date on furnishing usual undertaking to the satisfaction of the Registrar Judicial of this Court. The amount be disbursed only after amendment is carried out in the appeal memos.

5. Civil Applications for withdrawal of amount are disposed of accordingly.

6. Since the appellant Acquiring Body has deposited the amount as directed by this Court, the ad-interim stay granted earlier is confirmed. Stay applications are disposed of.

7. Appeals are **admitted**.

8. On admission, the learned AGP waives service of notice for respondent/State and Mr. More, learned counsel waives service of notice for claimants.

9. Call R. & P.

[ARUN R. PEDNEKER J.]

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