

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

**13 CIVIL APPLICATION NO. 8261 OF 2023
IN FA/1108/2018
WITH
CA/8262/2023 IN FA/1109/2018**

**THE STATE OF MAHARASHTRA AND ANR
VERSUS
PRABHAKAR JIVANRAO KULKARNI**

...
AGP for Appellants : Mr.D.B.Bhange
Advocate for Respondent : Mr.H.B. Nandagavale
...

CORAM : KISHORE C. SANT, J.

DATE : 06.12.2023.

PER COURT :

1. Stand over to 03.01.2024.
2. Both these applications are filed for withdrawal of amount deposited by the appellant Acquiring Body in this Court. The applicants are the original claimants/respondents in an appeal. In appeal No. 1108 of 2018, an amount deposited is Rs. 1,35,000/- and in appeal No. 1109 of 2018 an amount deposited is Rs. 91,561/-. The learned Advocate for the claimants submitted that considering that the amounts are too meager and the claimants need such an amounts as they have

lost the income source and they are ready to give undertakings that in case an appeal succeeds they would re-deposit the said amounts in this Court.

3. The learned AGP vehemently opposed the applications stating that if an amounts are withdrawn, it would be difficult to recover the said amounts which are too meager. This Court finds that applications can be allowed on giving usual undertakings to this Court. Hence the following order :

ORDER

- a) Both the applications are allowed and disposed off.
- b) Respondents/Original Claimants in both applicatons are allowed to withdraw the amounts as deposited by the Acquiring Body/appellants in this Court along with interest accrued thereon on furnishing usual undertakings.

**(KISHORE C. SANT)
JUDGE**

mahajansb/