

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

**939 CIVIL APPLICATION NO.12860 OF 2023
IN FAST/19104/2023 WITH CA/8605/2023 IN
FAST/19104/2023 WITH CA/8606/2023 IN
FAST/19104/2023**

**TULSIRAM S/O KISAN RAHANE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR TQ
ANDDIST- AURANGABAD AND ORS**

...

Advocate for Applicant: Mr. Janapurkar Pradeep M
AGP for Respondent/State: Mr. K. B. Jadhavar
Advocate for Respondent No.3: Mr. M. C. Swami

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AND

...

**940 CIVIL APPLICATION NO.12919 OF 2023
IN FAST/20174/2023 WITH CA/8069/2023 IN
FAST/20174/2023 WITH CA/8070/2023 IN
FAST/20174/2023**

**SHIVRAM S/O KISAN RAHANE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR TQ
ANDDIST- AURANGABAD AND ORS**

...

Advocate for Applicant: Mr. Janapurkar Pradeep M
AGP for Respondent/State: Mr. K. B. Jadhavar
Advocate for Respondent No.3: Mr. S. G. Bhalerao

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CORAM : ARUN R. PEDNEKER, J.

DATE : 25th OCTOBER, 2023

PER COURT:

1. Heard.

2. The appeals are filed by the acquiring body. The stay was granted to the award of the reference court, subject to deposit of 100% amount in this court. 100 % amounts are deposited. The acquiring body has opposed the applications for withdrawal of amount.

3. The applications are filed for withdrawal of amounts deposited in this court. The learned counsel appearing for the applicants has produced order dated 19.04.2022, passed in Civil Application No.5801 of 2022 in First Appeal No.1158 of 2021 and other connected matters and submits that the present first appeals are same as that of Civil Application No.5801 of 2022 in First Appeal No.1158 of 2021 and other connected proceedings. The applicants therein were permitted to withdraw 50% amount of compensation with accrued interest thereon on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this court. The applicants therein were further permitted to withdraw 25% of the amount of compensation on furnishing solvent

surety / security to the satisfaction of the Registrar (Judicial) of this court.

4. In view of the order passed in the connected matters, I deem it appropriate to allow the applicants to withdraw 50% of the amount of total compensation with accrued interest thereon on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this court. The applicants are further permitted to withdraw 25% of the total amount of compensation on furnishing solvent surety / security to the satisfaction of the Registrar (Judicial) of this court. The civil applications for withdrawal of amount are disposed of.

5. For the reasons stated in the civil applications for condonation of delay, the delay is condoned and the applications are disposed of.

6. Ad interim stay is confirmed as the amount has been deposited by the acquiring body as

directed by this court. The stay applications are disposed of.

7. The first appeals are **admitted**. On admission, the learned counsel / AGP waive notice for the respective respondents. Call R & P. Office objections, if any, to be removed within 8 weeks from today.

[ARUN R. PEDNEKER, J.]

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