



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

961 CIVIL APPLICATION NO.4308 OF 2023
IN FA/982/2021 WITH CA/5728/2021 IN FA/981/2021 WITH
CA/5730/2021 IN FA/982/2021 WITH CA/4306/2023 IN FA/981/2021

SHUBHAM SOMESHWAR @ SOMNATH GHUME AND ORS
VERSUS
THE STATE OF MAHARASHTRA, THR DIST COLLECTOR LATUR AND
ORS

...
Advocate for Applicants : Mr. Dhanure Bramhanand M.
AGP for Respondents-State : Mrs. M. L. Sangit
Advocate for Respondent No.3 : Mr. S. C. Arora

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CORAM : ARUN R. PEDNEKER, J.
DATE : 08/12/2023

PER COURT :

1. The present application is filed for withdrawal of amount of compensation. The learned Advocate for the applicants submits that in the identical facts situation in matters arising out of the same project, this Court by order dated 12/07/2022, in the CA/9417/2022 in FA/980/2021, has permitted the applicant to withdraw 60 % of compensation amount by giving usual undertaking and 40% amount by furnishing solvent surety.
2. In view of the same, the applicants are permitted to withdraw 60% of deposited amount along with accrued interest thereon till date subject to filing of undertaking to the satisfaction of the Registrar

(Judicial) of this Court and 40% amount by furnishing solvent surety to the satisfaction of Registrar (Judicial) of this Court. The applications for withdrawal of amount stand disposed of.

3. The learned Advocate for the applicant has also submitted that in LAR No.226 of 2010 the Acquiring Body has also accepted the award and this award is identical and arising out of the same acquisition. The learned Advocate appearing on behalf of the applicant has also produced the communication letter dated 27/09/2019.

4. The learned Advocate appearing on behalf of the Acquiring Body seeks time to take instructions.

5. The learned Advocate appearing on behalf of the Acquiring body to take instructions and if the Acquiring Body accept the communication for the present reference, then this matter can be disposed of on the next date.

6. List the matter along with connected matters on 25/01/2024.

(ARUN R. PEDNEKER, J.)

vj gawade/-.