

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

917 CIVIL APPLICATION NO. 8119 OF 2023
IN FIRST APPEAL NO. 2839 OF 2021
WITH CA/8120/2023 IN FA/2840/2021
WITH CA/8121/2023 IN FA/2841/2021
WITH CA/9642/2021 IN FA/2840/2021
WITH CA/9640/2021 IN FA/2839/2021
WITH CA/9644/2021 IN FA/2841/2021

TRIPALSING @ PREETPALSING PREMSING RATHOD
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR
OSMANABAD AND OTHERS

...
Mr. L.C. Patil – Advocate for Applicant
Mr. B.V. Virdhe – AGP for Respondent Nos.1 and 2, State
Mr. M.S. Kulkarni – Advocate for Respondent No.3
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CORAM : SANDIPKUMAR C. MORE, J.
DATE : 6th July, 2023

PER COURT :

CIVIL APPLICATION NO. 8119 OF 2023
CIVIL APPLICATION NO. 8120 OF 2023
CIVIL APPLICATION NO. 8121 OF 2023

1. Heard rival submissions.
2. The respective applicants in all these applications are seeking withdrawal of their amounts of compensation, which have been deposited by the acquiring body alongwith the

interest accrued thereon. It appears that the acquiring body in all these matters has deposited only 85% of the total compensation amounts.

3. This Court vide order dated 1st September, 2021 in other connected matters has already permitted the applicants therein to withdraw 65% of the total compensation amounts.

4. In view of the same, present applicants are permitted to withdraw 65% of the total compensation amounts i.e. 50% on usual undertaking and 15% on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court.

5. The remaining amounts be kept in F.D.R. in any nationalized bank on yearly renewal basis till final disposal of these appeals.

6. The civil applications are accordingly disposed of.

CIVIL APPLICATION NO. 9642 OF 2021

CIVIL APPLICATION NO. 9640 OF 2021

CIVIL APPLICATION NO. 9644 OF 2021

7. Since the appellant – acquiring body in all these matters,

has deposited the amount of compensation as directed by this Court, the applications are made absolute in terms of prayer clause – A and disposed of.

FIRST APPEAL NO. 2839 OF 2021

FIRST APPEAL NO. 2840 OF 2021

FIRST APPEAL NO. 2841 OF 2021

8. Heard.

9. **Admit.**

10. The learned Counsel – Mr. M.S. Kulkarni waives service for respondent No.3.

11. Learned A.G.P. waives service for respondent Nos.1 and 2.

[SANDIPKUMAR C. MORE]
JUDGE