

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

21 CIVIL APPLICATION NO.11856 OF 2023
IN FA/2466/2022

UDHAV ARVIND JOMADE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS COLLECTOR, OSMANABAD
AND ORS

...
Advocate for Applicant : Mr. G.K. Sontakke
AGP for Respondents 1 & 2 : Mr. K.B. Jadhavar
Advocate for Respondent 2 : Mr. Mukul S. Kulkarni

...

CORAM : ARUN R. PEDNEKER, J.
DATED : 03/10/2023

PER COURT :

1. Heard the learned counsel for the parties.
2. The present application is for withdrawal of amount deposited in this Court along with the accrued interest thereon.
3. The learned counsel for the original claimant/applicant has placed on record order dated 8.9.2023 passed in identical matter in Civil Application No. 10853/2023 in First Appeal No. 2763/2021 along with other connected matters, arising out of the same acquisition.
4. The learned counsel for Acquiring Body has strongly opposed the application.
5. In view of the order passed in identical appeals, the applicants are permitted to withdraw 50% of the compensation amount deposited by the Acquiring Body along with accrued interest thereon, subject to usual undertaking to be furnished to the satisfaction of the Registrar (Judicial) of this Court. The balance amount be kept in fixed deposit in any Nationalized Bank initially for the period of one year with renewal clause. The applicant

shall be at liberty to move this Court for further withdrawal if the appeal is not be heard or decided within a period of two years. In view of the above, civil application for withdrawal of amount is disposed of accordingly.

6. Appeal is **admitted**.

7. On admission, the learned counsel for respondents waive service of notice for respective respondents.

8. Call R. & P.

[ARUN R. PEDNEKER J.]

ssc/