

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

**13 CIVIL APPLICATION NO.12973 OF 2023
IN FAST/11845/2019
WITH CA/11146/2023 IN FAST/11845/2019
WITH CA/11151/2023 IN FAST/12180/2019
WITH CA/12974/2023 IN FAST/12180/2019**

**SHRIMANT SITARAM RAUT AND ANR
VERSUS
THE STATE OF MAHARASHTRA, THROUGH THE COLLECTOR,
OSMANABAD AND ANR**

...
Advocate for Applicants : Mr.Rakhunde Pravin B.
AGP for Respondents/State : Mr.S.S.Dande
...

CORAM : KISHORE C. SANT, J.

DATE : 03.11.2023.

PER COURT :

1. These respective applications are filed for withdrawal of the amount of compensation deposited by the respondent/Acquiring Body.

2. The learned Advocates have produced on record a copy of order dated 14.09.2017 passed in Civil Application No. 117791 of 2017 in First Appeal No. 3484 of 2016, wherein this Court has allowed the claim therein to withdraw an amount to the extent of 50% with accrued interest thereon on filing usual undertaking and 25% amount with accrued interest thereon on

furnishing solvent surety. The remaining 25% amount is directed to be invested in the FDR, in any Nationalized Bank. They submit that this order is passed wherein the claimants have filed the some proceedings and award. The learned AGP does not dispute the same position. The Civil Applications are allowed and disposed off. In view of the same following order :

ORDER

- a) The applicants shall withdraw 50% amount with accrued interest thereon on executing usual undertakings and 25% amount with accrued interest thereon shall be allowed to be withdrawn on furnishing solvent surety/securities to the satisfaction of the Registrar (Judicial) of this Court.
- b) The remaining 25% of the amount with accrued interest thereon be deposited in FDR, in any nationalized bank for a fixed period as the Registrar (Judicial) deems fit.

**(KISHORE C. SANT)
JUDGE**

mahajansb/