

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.12274 OF 2023
IN FA/2788/2023

Pandharinath Barku Tambe
Since died Through his LR's

1. Bandu Pandharinath Tambe
 2. Murlidhar Pandharinath Tambe
 3. Dhanabai Pandharinath Tambe
 4. Chandrakala Bhagwan Kale
- .. Applicants

Versus

1. The State of Maharashtra
Through its SLAO, Special Unit,
Aurangabad.
 2. The CIDCO, Aurangabad,
Through, its Chief Officer,
CIDCO, Aurangabad.
- .. Respondents

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AND

CIVIL APPLICATION NO.12285 OF 2023
IN FA/2789/2023

1. Asmita Balasaheb Kalyankar
 2. Balasaheb Hanmantrao Kalyankar
(Died) Through LR's
 - 2A. Asmita Balasaheb Kalyankar
 - 2B. Sanjay Balasaheb Kalyankar
 - 2C. Kavin Navin Haram
- .. Applicants

Versus

1. The State of Maharashtra,
Through Its SLAO, Special Unit,

Aurangabad.

2. The CIDCO, Aurangabad,
Through Its Chief Officer,
CIDCO, Aurangabad

.. Respondents

...

AND

CIVIL APPLICATION NO.12283 OF 2023
IN FA/2784/2023

1. Shamsunder/Shamsundar s/o
Prabhaker/Prabhakar Kale

2. Mahendra s/o Prabhaker/
Prabhakar Kale

.. Applicants

Versus

1. The State of Maharashtra
Through its SLAO, Special Unit,
Aurangabad.

2. The CIDCO, Aurangabad,
Through Its Chief Officer,
CIDCO, Aurangabad.

.. Respondents

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AND

CIVIL APPLICATION NO.12286 OF 2023
IN FA/495/2023

1. Sahebrao Santukrao Banker/Bankar

2. Smt. Sudha w/o Sahebrao Banker/Bankar

.. Applicants

Versus

1. The State of Maharashtra
Through its SLAO, Special Unit,
Aurangabad.

2. The CIDCO, Aurangabad,
Through Its Chief Officer,
CIDCO, Aurangabad.

.. Respondents

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Ms. Pradnya Talekar i/b Talekar and Associates, Advocate for applicants in all the matters.

Mr. A. M. Phule, AGP for respondent No.1 – State in CA/12274/2023 and CA/12285/2023.

Mr. S. D. Ghayal, AGP for respondent No.1 – State in CA/12283/2023 and CA/12286/2023.

Mr. Shambhuraje V. Deshmukh, Advocate for respondent No.2 in all the matters.

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**CORAM : SMT. VIBHA KANKANWADI AND
ABHAY S. WAGHWASE, JJ.**

RESERVED ON : 20th October, 2023

PRONOUNCED ON : 6th November, 2023

ORDER [Per Smt. Vibha Kankanwadi, J.] :-

. Present Civil Applications are filed for withdrawal of the amount deposited by the acquiring body. The learned Advocate for the applicants pointed out that in connected similar matters i.e. Civil Application No.9989 of 2022 in First Appeal No.3270 of 2021 by order dated 18.08.2022 and in Civil Application No.11460 of 2023 in First Appeal (Stamp) No.27177 of 2022 along with other connected matters by order dated 12.09.2023, arising out of the same acquisition proceedings, this Court has permitted withdrawal of 75% of the amount deposited.

2. The learned Advocate appearing for the acquiring body has also concurred to the said position.

3. In view of the same, the applicants are permitted to withdraw 50% of the deposited amount along with accrued interest on furnishing usual undertaking before the Registrar (Judicial) of this Court and remaining 25% of the deposited amount along with accrued interest on furnishing solvent surety. The remaining balance amount be deposited in FDR during the pendency of these appeals.

4. The Civil Applications for withdrawal of amount are disposed of.

[ABHAY S. WAGHWASE]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm