

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

CIVIL APPLICATION NO.1995 OF 2023
IN FA/3456/2016

RAHIM KASHIM SHAIKH (DIED) THR LRS. HASMITBI R. SHAIKH
(DIED) THR LRS. ROSHANBI C. SHAIKH AND ORS
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR,
OSMANABAD AND ORS

...

Advocate for Applicants : Mr. D.A. Bide h/f. Ganesh Vilasrao Patil
AGP for Respondents: Mr. P.M. Kulkarni.

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 23rd JUNE, 2023

ORDER :-

Mr. Bide, learned advocate for the applicant submits that in the connected matters arising out of the same award, this court has permitted withdrawal of 60% of the amount to the claimants out of the award amount deposited by the appellant Acquiring Body. He places reliance on the order dated 3rd August, 2018 passed in C.A. No. 12236 of 2018.

2. He would further submit that the respondent No.4 Rafik Shaikh is not before this court inspite of service of notice. The applicants are legal heirs of deceased Rahim Kasim Shaikh, who was the original claimant before the Reference Court. He would submit that considering the share of the applicants, compensation amount to the extent of their

share, may be released by protecting interest of respondent No.4.

3. Considering the submissions advanced, the applicants are permitted to withdraw 30% of the amount deposited in this court alongwith interest accrued thereon, with usual undertaking to be furnished with the Registrar (Judicial) of this Court.

4. Application stands disposed of.

[S.G. CHAPALGAONKAR]
JUDGE

grt/-