

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

**941 CIVIL APPLICATION NO.12920 OF 2023
IN FAST/24481/2023 WITH CA/10032/2023 IN
FAST/24481/2023**

**SUBHASH S/O KACHRU JADHAV
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR TO
ANDDIST AURANGABAD**

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Advocate for Applicant: Mr. Janapurkar Pradeep M
AGP for Respondent/State: Ms. R. P.Gour
Advocate for Respondent No.3: Mr. Ruturaj C. Patil

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**CORAM : ARUN R. PEDNEKER, J.
DATE : 25th OCTOBER, 2023**

PER COURT:

1. Heard.

2. The appeal is filed by the acquiring body. The stay was granted to the award of the reference court, subject to deposit of 100% amount in this court. 100 % amounts are deposited. The acquiring body has opposed the application for withdrawal of amount.

3. The application is filed for withdrawal of amount deposited in this court. The learned counsel appearing for the applicant has produced

order dated 19.04.2022, passed in Civil Application No.5801 of 2022 in First Appeal No.1158 of 2021 and other connected matters and submits that the present first appeal is same as that of Civil Application No.5801 of 2022 in First Appeal No.1158 of 2021 and other connected proceedings. The applicants therein were permitted to withdraw 50% amount of compensation with accrued interest thereon on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this court. The applicants therein were further permitted to withdraw 25% of the amount of compensation on furnishing solvent surety / security to the satisfaction of the Registrar (Judicial) of this court.

4. In view of the order passed in the connected matters, I deem it appropriate to allow the applicant to withdraw 50% of the total amount of compensation with accrued interest thereon on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this court. The applicant is further permitted to withdraw 25% of

the amount of total compensation on furnishing solvent surety / security to the satisfaction of the Registrar (Judicial) of this court. The civil application for withdrawal of amount is disposed of. Balance amount be kept in F.D. in Nationalised Bank in yearly recurring basis.

5. Ad interim stay is confirmed as the amount has been deposited by the acquiring body as directed by this court. The stay application is disposed of.

6. The first appeal is **admitted**. On admission, the learned counsel / AGP waive notice for the respective respondents. Call R & P. Office objections, if any, to be removed within 8 weeks from today.

[ARUN R. PEDNEKER, J.]

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