

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

**7 CIVIL APPLICATION NO.12877 OF 2023
IN FAST/17411/2019**

**NIMBA NADEO TELI (DIED) THR LRS SARUBAI NIMBA CAUDHARI
(DELETED) AND ORS
VERSUS
THE COLLECTOR JALGOAN AND ANR**

Mr.Kumar Gaurav M. More, Advocate for the applicants.

Mr.S.B. Pulkundwar, AGP for the respondent/State.

Mr.B.N. Magar and Mr. R.A.Shedge, Advocate h/f. Mr. Jay and Co., for R-2.

**CORAM : KISHORE C. SANT, J.
DATED : 26.10.2023**

PC :-

01. The learned Advocate for the applicant to correct name of respondent No.1 and show it as shown in the appeal. The amendment be carried out forthwith.

02. This application is filed by the respondents/original claimants for withdrawal of the amount of compensation deposited by the appellant in this Court. The learned Advocate for the applicant placed on record order dated 07.08.2023 passed by this Court in CA No.8127 of 2022 in First Appeal (St.) No.16388 of 2015. This Court by the said order had directed the office to

allow the claimants therein to withdraw 70% of the amount deposited in this Court by the acquiring body.

03. The learned Advocate for the appellant Mr.Magar submits that sufficient care needs to be taken of the interest of the acquiring body while granting withdrawal of the amount.

04. Considering the same, the following order :-

- (i) The Civil Application is partly allowed.
- (ii) The applicants/claimants shall be entitled to withdraw 70% of the amount deposited by the acquiring body in this Court along with interest, if any, accrued thereon.
- (iii) The applicants shall furnish an undertaking in this Court that in-case decision goes against the applicants/claimants, they shall re-deposit the said amount within a period of six months from the date of such order.
- (iv) The remaining amount of 30% shall be deposited in fixed deposit in the nationalized bank, to be renewed every year till final disposal of the appeal.

05. The Civil Application is accordingly allowed and disposed off.

[KISHORE C. SANT, J.]