

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

**CIVIL APPLICATION NO. 12988 OF 2023
IN FA/2274/2018**

Bapurao Ganpati Sedape (died)
Kondiba Bapurao Sedape (died)
through legal representatives
Kausabai Bapurao Sedape and others .. Applicants

Versus

The State of Maharashtra and another .. Respondents

Mr. Gajanan K. Sontakke, Advocate for the Applicants.
Mr. S. B. Pulkundwar, AGP for Respondent No. 1.
Mr. S. G. Bhalerao, Advocate for Respondent No. 2.

CORAM : KISHORE C. SANT, J.

DATED : 27th OCTOBER, 2023.

P. C. :-

. Heard the parties. Mr. Bhalerao, learned advocate is present through video conference.

2. This application is filed by the original claimants – respondents in First Appeal No. 2274/2018 with a prayer to allow them to withdraw balance 40% amount of compensation deposited by the appellant – acquiring body in the office of this Court along with accrued interest. The applicants had earlier filed an application for withdrawal of the amount. This Court was pleased to permit the

present applicants to withdraw 60% of the amount deposited by the acquiring body by order dated 15.12.2020 in Civil Application No. 6165/2020 and other companion applications.

3. Learned advocate for the applicants submits that, some of the similarly situated persons of the claimants had approached the Hon'ble Apex Court challenging the order dated 15.12.2020 to the extent of not allowing 100% withdrawal. The Hon'ble Apex Court by order dated 23.08.2021 was pleased to direct to withdraw remaining 40% of the amount deposited by the appellant – acquiring body on furnishing security/surety to the satisfaction of the Registrar (Judicial). Learned advocate submits that in view of the above position this application deserves to be allowed.

4. Mr. Bhalerao, learned advocate for acquiring body opposes the said prayer stating that already 60% of the amount is withdrawn by the applicants. If the entire amount is withdrawn, then it would be difficult to recover the said amount in case the appeals are allowed and the amount of compensation is reduced.

5. This Court finds that, in view of the order of Hon'ble Apex Court the application deserves to be allowed. Hence, the following order is passed.

6. The civil application stands allowed.
7. The applicants are entitled to withdraw remaining amount of 40% with accrued interest lying in the office of this Court by furnishing security/surety to the satisfaction of the Registrar (Judicial) of this Court.
8. With this, the civil application stands disposed off.

(KISHORE C. SANT, J.)

PS.B.