

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

**CIVIL APPLICATION NO.12852 OF 2023
IN FIRST APPEAL NO.3951 OF 2023**

**WANAB @ SHRIRAM VYANKATRAO JAGTAP DIED
THROUGH HIS LEGAL HEIRS & OTHERS
VERSUS
THE STATE OF MAHARASHTRA & OTHERS**

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Advocate for the applicants : Mr.Dhananjay Mane h/f.
Mr.M.M.Patil

AGP for the respondent-State : Mr.N.T.Bhagat
Advocate for respondent no.2 : Mr.P.S.Patil

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CORAM : ARUN R. PEDNEKER, J.

DATE : 20.10.2023

P.C. :

1] The present Civil Application is filed by the applicants – original claimants seeking direction to remit / transfer the amount of compensation deposited by the respondent acquiring body to the extent of 75% along with accrued interest thereon.

2] This Court by order dated 25th April, 2022 permitted the applicants to withdraw 75% of the entire compensation amount along with accrued interest thereon,

which is deposited in this court. 50% amount along with proportionate interest is permitted to be withdrawn subject to furnishing usual undertaking to the satisfaction of the Registrar [J.] of this Court and further permitted to withdraw 25% amount of compensation with accrued interest thereon on furnishing solvent surety / security to the satisfaction of the Registrar [J.] of this Court.

3] The present Application is filed contending that the applicants are old aged persons and they are suffering from various diseases, and therefore, they are not in a position to travel at Aurangabad.

4] In view of the same, direction is sought to remit the amount deposited here to the Civil Judge Senior Division at Ahmedpur, Dist. Latur in LAR No.31 of 2009. The amount of compensation deposited by the respondent – acquiring body in this Court to the extent of 75% along with accrued interest thereon till date is directed to be transmitted to the Court of Civil Judge Senior Division, Ahmedpur, District Latur i.e. LAR No.31/2009. On being

transmitted to the Civil Judge Senior Division, Ahmedpur, the applicants are permitted to withdraw 50% of the amount of compensation along with accrued interest thereon on furnishing undertaking to the satisfaction of the Civil Judge Senior Division, Ahmedpur, so also, the applicants are also permitted to withdraw balance 25% amount of compensation along with interest accrued thereon on furnishing solvent surety / security to the satisfaction of the Civil Judge Senior Division, Ahmedpur.

5] Needless to mention that identity of the applicants would be verified by the concerned Judge before disbursement of the amount.

6] The appellant to carry out the amendment as directed by this Court within one week. The amount to be transmitted thereafter. Civil Application is disposed of accordingly.

[ARUN R. PEDNEKER]
JUDGE