

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

**CIVIL APPLICATION NO. 14617 OF 2019
IN FA/2121/2015**

Shankar Yashwant Malkunde, Dead
Sanjay Shankar Malkunde and others .. Applicants

Versus

The State of Maharashtra and others .. Respondents

Mr. Laxmikant C. Patil, Advocate for the Applicants.

Mr. S. B. Pulkundwar, AGP for Respondent No. 1.

Mr. Arvind N. Gaddime, Advocate for Respondent No. 2.

Mr. S. B. Porneve, Advocate for Respondent No. 3.

CORAM : KISHORE C. SANT, J.

DATED : 13th OCTOBER, 2023.

P C. :-

. Heard.

2. Learned advocate for the applicants seeks leave to correct the names of the parties. Leave is granted. Amendment be carried out forthwith.

3. The application is moved for withdrawal of the amount deposited by the appellant-acquiring body in this Court as per the order passed by this Court while granting stay to the judgment passed in LAR by the Court of learned Joint Civil Judge Senior Division, Umerga.

4. Looking to the fact that the amount enhanced is about five times as granted by the learned SLAO this Court finds that, this application needs to be considered.

5. Learned advocate for respondents vehemently opposes the prayer submitting that, by way of award the amount is enhanced by more than four times and will not be covered by the policy of the Government of not filing the appeals where the enhancement is less than four times.

6. Considering that the enhancement is about five times this Court finds that, interest of justice can be served by directing to withdraw 50% of the amount with accrued interest if any on undertaking that, in case, the appeal is decided against the claimants, the claimants shall deposit the amount within a period of six (06) months. Remaining amount of 25% shall be withdrawn with accrued interest if any by furnishing solvency or security to the satisfaction of the Registrar (Judicial) of this Court.

7. With this, the civil application stands disposed off.

(KISHORE C. SANT, J.)

PS.B.