

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

**906 CIVIL APPLICATION NO.13817 OF 2023
IN FAST/2766/2019 WITH CA/3576/2019 IN FAST/2766/2019
WITH CA/3578/2019 IN FAST/2766/2019**

**GOVARDHAN MAHADEO TAT (DIED) THR LRS. KALIDAS GOVERDHAN
TAT AND ANR**

VERSUS

**THE STATE OF MAHARASHTRA THROUGH THE DIST.
COLLECTOR, OSMANABAD AND ORS**

Mr.R.D. Khadap, Advocate for the applicants.

Mr.S.S. Dande, AGP for the respondent/State.

**CORAM : KISHORE C. SANT, J.
DATED : 09.11.2023**

PC :-

01. This application is filed by the claimants for withdrawal of amount deposited by the appellant-acquiring body. It is stated that the appellant has deposited the entire amount as per award passed by the learned Reference Court. The amount is presently lying with the office of this Court. The claimants submit that the land which is acquired was the source of their livelihood. At present they have lost their livelihood and they are also deprived of the enhanced amount of compensation, though same is awarded by the Reference Court by a well reasoned judgment. This application is, therefore moved for withdrawal of the amount.

02. Heard learned Advocates for both the parties. This Court finds that it would be just and reasonable to allow present applicants to withdraw the amount deposited in this Court with certain conditions. Hence, the following order :-

O R D E R

(i) The civil application is partly allowed.

(ii) The applicants are entitled to withdraw 50% of the amount deposited in this Court on furnishing usual undertaking and 25% of the amount on furnishing solvent surety/security subject to satisfaction of the Registrar (Judicial) of this Court. The amount shall be withdrawn along with accrued interest thereon, if any. The remaining amount shall be deposited in fixed deposit in any nationalized bank, with periodical renewal, till disposal of the appeal.

[KISHORE C. SANT, J.]