

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

23 CIVIL APPLICATION NO. 6199 OF 2024
IN FA/1269/2021

MALHARI SHANKAR WAGHMARE DIED THR LRS
KALAWATI MALHARI WAGHMARE (DIED) THR LRS.
KANTABAI AND ORS

VERSUS

THE STATE OF MAHARASHTRA THROUGH COLLECTOR,
OSMANABAD AND ORS

...

Advocate for Applicants : Mr. Ingale Vivekanand V.
AGP for Respondents/State : Mr.G.O. Wattamwar

...

CORAM : KISHORE C. SANT, J.

DATE : 03rd JULY, 2024.

PER COURT :

1. Heard the learned Advocate for the applicants and the learned AGP for Respondents/State.
2. This application is for withdrawal of the amount. The 50% amount is already permitted to be withdrawn on usual undertaking by this Court vide order dated 11.08.2021.
3. Learned Advocate for the applicants submits that

thereafter, this Court in some other matters arising out of the same acquisition proceedings allowed the applicant therein to withdraw 75% of the amount on certain conditions.

4. He thus, prays that the present applicant Nos. 4 & 5 be allowed to withdraw 25% of the total amount deposited in this Court, as the applicant Nos. 2, 3 and 6 have waived their rights to receive the compensation amount by registered document as mentioned in order dated 11.08.2021 bearing Civil Application No. 6474 of 2021 in F.A. No. 2169 of 2021.

5. The application is vehemently opposes by the learned AGP by submitting that already 50% of the amount is allowed to be withdrawn. If the amount now is allowed to be withdrawn it would be difficult for the State to recover the amount. There are chances of success in the appeal.

6. Considering that in similar matters this Court has allowed to withdraw 75% of the total amount deposited, this Court has also inclined to allow the present application and pass following order :

ORDER

a) The application stands allowed and disposed off.

b) The Applicants/Claimant Nos. 4 & 5 except applicant Nos. 2) Kantabai Chandrakant Bhandare, 3) Kusum Vasant Shinde and 6) Kamal Prakash Mote, are allowed to withdraw 25% of the amount deposited to their extent in this Court on furnishing solvent security/surety to the satisfaction to the Registrar, (Judicial) of this Court.

(KISHORE C. SANT)
JUDGE

mahajansb/