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930-ca-3238-24

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

**930 CIVIL APPLICATION NO. 3238 OF 2024
IN FA/1423/2017**

**BHALCHANDRA TUKARAM KULKARNI
VERSUS
THE STATE OF MAHARASHTRA, THROUGH COLLECTOR, LATUR AND
ANOTHER**

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Advocate for Applicant : Mr. Vikas G. Kodale
AGP for Respondent no.1 – State : Mr. S. V. Hange
Advocate for Respondent no.2 : Mr. S. S. Dande

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**WITH X-OBJECTION NO. 102 OF 2022
IN FA/1423/2017
WITH FA/1423/2017**

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**CORAM : Y. G. KHOBRADE, J.
DATE : 27.03.2024**

PER COURT :

1. Heard Mr. Vikas G. Kodale, learned counsel appearing for the applicant, learned AGP for respondent no.1-State and Mr. Dande, the learned counsel appearing for the acquiring body – respondent no.2 at length.
2. By the present application, the applicant prays for permission to re-deposit amount of Rs. 1,77,951/- in the Registry of this Court on the ground that the surety holder wanted to withdraw the solvency after amount is deposited. The applicant further prays for revocation of the solvency bearing no. 2021/JAMABANDI/KAVI/R-110 dated 09.03.2021

after re-depositing the said amount. The learned counsel appearing for the acquiring body has no objection.

3. It is pertinent to note that, on 03.09.2018 this Court passed order in Civil Application No. 8511 of 2018 in First Appeal No. 1423/2017 and permitted the applicant to withdraw 50% of the compensation amount subject to furnishing undertaking for re-deposit the amount as and when directed by this Court. The applicant was also permitted to withdraw remaining 50% amount on submission of solvent surety to the satisfaction of the Registrar (Judicial) of this Court. However, the applicant wanted to withdraw the solvency and to re-deposit the 50% amount i.e. Rs. 1,77,951/-.

4. Accordingly, the applicant is permitted to re-deposit 50% amount which has been withdrawn on furnishing solvent surety within a period of 3 (three) weeks from today.

5. The applicant to deposit said amount by demand draft in the name of Registrar (Judicial) of this Court. After said amount is deposited, the applicant is permitted to withdraw the solvent surety.

6. Accordingly Civil Application is disposed of.

(Y. G. KHOBRAGADE, J.)