



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 4541 OF 2024
IN FIRST APPEAL NO. 309 OF 2015

Sayyad Dilawar Khajabhai (since Deceased)
Thr Lrs. Hamidha Dilawar Sayyad and Ors.Applicants

VERSUS

The State of Maharashtra
Through Collector, Osmanabad and Anrs.Respondents

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Mr. Majid Shaikh h/f Mr. N. B. Khandare, Advocate for Applicants
Mrs. U. S. Bhosle, AGP for Respondent No.1 – State
Mr. S. S. Dande, Advocate for Respondent No.2

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CORAM : R. G. AVACHAT &
NEERAJ P. DHOTE, JJ.

DATE : 09.05.2024

PER COURT :

1. This is an Application for withdrawal of the remaining amount along with interest.

2. The Applicants are the Original Claimants. They have made the following prayers in the Application :-

“A) The Civil Application may kindly be allowed.

B) By allowing this Civil Application, the applicant may kindly be permitted to withdraw the remaining amount along with interest deposited in First Appeal No.309/2015 in view of order dated 12/08/2021 and 26/11/2021 passed by this Hon’ble Court.

C) Any other suitable and equitable relief to which the applicant is entitled for may kindly be granted.”

3. The learned Advocate for the Applicants / Claimants submits that the Claimants out of the same proceedings were allowed to withdraw the principal amount with the interest accrued thereon by the order dated 12/08/2021 in Civil Application No.6305/2020 and Ors. and the order 24/09/2021 in Civil Application

No.6702/2020 and Ors. He submits that the Application may be allowed in terms of the said orders, which are passed by this Court. The copies of which are enclosed herewith as Exhibits – A-2 and A-3.

4. The learned Advocate for the Acquiring Body submits that the Application may be allowed as prayed for in terms of the said orders.

5. In view of the above, we allow the Application in terms of the orders dated 12/08/2021 and 24/09/2022 passed this Court.

6. Application is disposed of accordingly.

[NEERAJ P. DHOTE, J.]

[R.G. AVACHAT, J.]

Sameer