

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 3568 OF 2024
IN
FIRST APPEAL NO. 607 OF 2024

Sharadabai Vinod Lad & Ors.

...Applicants

Versus

The Collector, Jalgaon, Tq. & Dist. Jalgaon & Ors.

...Respondents

.....

Mr. P. B. Rakhunde – Advocate for the Applicants
Mrs. S. N. Deshmukh – Asst. G.P for respondent/State
Mr. A. D. Pawar – Advocate for Respondent No. 3

.....

**CORAM : R. G. AVACHAT
AND
NEERAJ P. DHOTE, JJ.**

DATED : 10TH APRIL, 2024

PER COURT : -

1. Learned advocate for the Applicants seeks leave to add prayers in the application. Copy of additional prayers tendered across the bar is taken on record and marked as “X” for identification.
2. Leave to add/amend, as prayed for, is granted.
3. The amendment be carried out within a period of one week.
4. Heard learned advocate for the Applicants, learned AGP and learned advocate for respondent no. 3.
5. This is the application for withdrawal of amount deposited by the Acquiring Body in the Appeal.

6. Learned advocates for the applicants and the Acquiring Body agree that the application be allowed in terms of the order dated 06.02.2024 passed by this Court in Civil Application No. 1147 of 2024 in First Appeal [St] No. 14964 of 2021. Both the sides submit that the quantum of amount deposited by the Acquiring Body differs in this matter and in the application which has been disposed of by this Court on 06.02.2024.

7. It is submitted by the learned advocate for the Acquiring Body that the Acquiring Body has now deposited an amount of Rs.1,63,19,385/-. It is further submitted that in terms of the said order dated 06.02.2024, the Applicants herein be permitted to withdraw 70% of the amount which has been deposited along with interest accrued thereon.

8. Learned advocate for the Applicants submits that appropriate order be passed accordingly.

9. In view of the above, we pass the following order.

[A] The Application is allowed.

[B] The Applicants are permitted to withdrawn 70% of the amount deposited along with interest accrued thereon.

[C] The amount be disbursed as per added prayer clauses 'B-1' to 'B-6' on the condition that, 50% on furnishing solvent security and remaining 50% on executing undertaking before this Court.

[NEERAJ P. DHOTE]
JUDGE

[R. G. AVACHAT]
JUDGE

SG Punde