



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

7 CIVIL APPLICATION NO. 4270 OF 2024
IN FAST/19427/2023

RATANSING S/O SARDAR KAHITE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
COLLECTOR, TQ. AND DIST- AURANGABAD AND ORS

...
Advocate for Applicant : Mr. Janapurkar Pradeep M.
AGP for Respondent/State : Mr. A.M. Phule
Advocate for Respondent No. 3 : Mr. A.M. Gaikwad
...

CORAM : KISHORE C. SANT, J.
DATE : 18th JUNE, 2024.

PER COURT :

1. Heard for some time.
2. This application is preferred seeking permission to withdraw the amount deposited by the State.
3. The applicant is the Original Claimant, whose land is acquired.

4. Learned Advocate for the applicant placed on record a copy of order passed by this Court dated 22.03.2024 in Civil Application No. 2375 of 2024. This Court by way of the order had allowed the applicant therein to withdraw 75% of the amount deposited in this Court alongwith interest.

5. Learned Advocate submits that in that case 100% amount was deposited in this Court and out of the said amount 75% of the amount was directed to be withdrawn. He thus submits that in the present case only 75% of the amount has been deposited by the State and therefore, the applicant be allowed to withdraw the entire amount deposited in this Court.

6. Learned Advocate Mr. Gaikwad, for respondent No. 3 submits that in the appeal substantial grounds are raised and in that view withdrawal may not be permitted. However, he accepts that in similar matters this Court by order dated 22.03.2024 had allowed the applicant to withdraw 75% of the amount. He also admits that in the present case the appellant has deposited only 75% of the amount.

7. Considering the above position this Court is inclined

to allow the applicant/Claimant to withdraw the entire amount deposited in this Court alongwith accrued interest subject to undertaking that in case the impugned judgment and award is set aside, he shall re-deposit the amount within 12 weeks in such contingency.

8. The Civil Application stands disposed off.

(KISHORE C. SANT)
JUDGE

mahajansb/