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114ca5401.24

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

**114 CIVIL APPLICATION NO. 5401 OF 2024
IN FA/3752/2023**

DHONDIBA 5/ TUKARAM VARNE (DIED) THROUGH ITS LRS,
1) CHANDRAKALA W/O. DHONDIBA VARNE AND ORS
.....Applicants

VERSUS

THE STATE OF MAHARASHTRA, THROUGH THE COLLECTOR,
TQ. AND DIST. AURANGABAD AND ORS
.....Respondents

Mr. P. M. Janapurkar, Advocate for the applicants
Mr. Vaishali Swami, Advocate h/f Mr. Mahesh Swami, Advocate
for respondent No.2
Mr. P. D. Patil, AGP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 12th SEPTEMBER, 2024

P. C.

1. This application is for withdrawal of the amount deposited by the acquiring body pursuant to the judgment and award passed by the learned reference court.

2. The application is vehemently opposed by the learned advocate for the respondent No.2.

3. Considering that this court in similar matters has already allowed the applicants therein to withdraw 75% of the amount on certain conditions, this court is also inclined to allow the present application. Hence, the following order:-

ORDER

a] The applicants are entitled to withdraw 50% of the deposited amount alongwith accrued interest on furnishing usual undertaking. Further 25% of the amount is allowed to be withdrawn on giving solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this court. Remaining amount be kept in a fixed deposit in any nationalized bank to be renewed from time to time pending the appeal.

b] The application stands disposed off.

[KISHORE C. SANT, J.]