



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

35 CIVIL APPLICATION NO. 5503 OF 2024
IN FA/1271/2024

HARI MAHADEV KANADE

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR
OSMANABAD AND ORS

...

Advocate for Applicant : Mr. Naiknavare Ramesh Vitthal

AGP for Respondents/State : Mr.A.S.Mantri

Advocate for Respondent No. 3 : Mr. A. S. Shelke For R/3

...

CORAM : KISHORE C. SANT, J.

DATE : 21st JUNE, 2024.

PER COURT :

1. The application is by the Original Claimant in the appeal for withdrawal of the amount deposited in this Court by the appellant Acquiring Body.

2. Learned Advocate for the applicant has placed on record a copy of the order passed by this Court in the similar matter arising out of the same acquisition proceeding.

3. By order dated 14.07.2023, this Court had permitted

the applicant therein to withdraw 50% of the amount deposited by the Acquiring Body on furnishing usual undertaking and 25% of the amount deposited was permitted to be withdrawn on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court. The balance of the amount was directed to be deposited in the Fix Deposit in any nationalized Bank, till the decision of the appeal.

4. Learned Advocate for the applicant submits that in that group of matters the Acquiring Body has deposited 100% of the amount and in view of the same the order was passed on 14.07.2023.

5. In the present matter, he submits that the Acquiring Body has deposited only 50% of the amount as per the award. He thus, prays that the applicant be allowed to withdraw the entire amount deposited on furnishing usual undertaking. This fact is not disputed by the learned Advocate for the Respondents. Hence the following order is passed :

ORDER

a) The Civil Application is allowed and disposed off.

b) The applicant is allowed to withdraw the entire amount deposited by the Acquiring Body in this Court alongwith accrued interest, on furnishing usual undertaking that in case the appeal is allowed the applicant shall re-deposit the amount with interest in this Court within 12 weeks thereafter.

**(KISHORE C. SANT)
JUDGE**

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