



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

**901 CIVIL APPLICATION NO. 7358 OF 2024
IN FA/4320/2023**

VISHNU RAMKISAN FATALE AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ORS

Mr. Abhijit B. Kale, Advocate for the applicants.
Mr. K.S. Hoke Patil, AGP for the respondent-State.
Mr. S.W. Munde, Advocate for respondent No.2.

CORAM : KISHORE C. SANT, J.
DATE : 19.09.2024

PC :-

01. This application is filed for withdrawal of the amount deposited by the appellant – acquiring body in this Court. The learned Advocate for the applicant submits that the enhanced amount is four times of the amount awarded by the SLAO. He thus pays for withdrawal of the said amount.

02. The learned Advocate for the appellant-Acquiring Body vehemently opposes the application stating that there are chances of success in the appeal. If the amount is withdrawn it would be difficult to recover the amount, if the appeal of the acquiring body is allowed.

03. This Court considered the submissions. Since the amount enhanced is about four times of the amount awarded by

the SLAO, the following order is passed :-

ORDER

- (i) The applicants are permitted to withdraw 50% of the amount deposited along with accrued interest on furnishing usual undertaking.
- (ii) Further 25% of the amount deposited along with accrued interest is allowed to be withdrawn on furnishing surety/security to the satisfaction of the learned Registrar (Judicial) of this Court.
- (iii) The civil application is accordingly allowed and is disposed off.

[KISHORE C. SANT, J.]