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

**11 CIVIL APPLICATION NO. 7228 OF 2024
IN FA/2253/2022**

VITTHAL SHANKAR WADANE AND ANR

....Applicant

VERSUS

**THE STATE OF MAHARASHTRA THR. DIST. COLLECTOR BEED
AND ORS**

.....Respondent

Mr. P. C. Mayure, Advocate h/f Mr. S. R. Shirsat, Advocate for the
applicant

Mr. S. K. Shirse, AGP for the respondent/State

CORAM : KISHORE C. SANT, J.

DATE : 24th JULY, 2024

P. C.

1. Heard.

2. This application is second application for withdrawal
of the amount.

3. This court by order dated 12-08-2022 has already
permitted the applicants to withdraw 50% of the amount

deposited in this court on usual terms.

4. This application is filed since in similar other matters this court by order dated 13-10-2022 passed in civil application No.14491/2024 allowed the applicants therein to withdraw 75% of the amount alongwith accrued interest. It is further submitted that amount awarded is more than four times of the amount awarded by the learned SLAO. Learned SLAO awarded amount @ Rs.1175/- per R. Same is enhanced to Rs.5250/- per R. He thus submits that in any case even remaining amount is allowed to be withdrawn, same will not cause any prejudice.

5. Prayer is opposed by the learned AGP

6. However, since this court had already permitted withdrawal of 75% of the amount in similar cases and since enhancement is just by Rs.5250/- which is more than four times of the amount awarded by SLAO, this court is inclined to allow the application. Hence, the following order:-

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ORDER

a] The applicant is permitted to withdraw 25% of the amount in addition to earlier 50% of the amount alongwith accrued interest on furnishing usual undertaking. Remaining amount be invested in fixed deposit in any Nationalized bank till disposal of the appeal.

b] The application stands disposed off.

[KISHORE C. SANT, J.]

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