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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

1019 CIVIL APPLICATION NO. 8644 OF 2024
IN FAST/24939/2023

Sudhakar Achuytrao BhosaleApplicant

VERSUS

The State of Maharashtra & others ..Respondents

.....

Mr. R. V. Naiknavare, Advocate for Applicants.

Mr. K. S. Patil, AGP for the State.

Mr. P. R. Nangare, Advocate for Respondent No. 3.

WITH
CIVIL APPLICATION NO. 8645 OF 2024 IN
FAST/24942/2023

Appal Ganpati Shinde ..Applicant

VERSUS

The State of Maharashtra & others .. Respondents

Mr. R. V. Naiknavare, Advocate for Applicants.

Mr. K. S. Patil, AGP for the State.

Mr. P. R. Nangare, Advocate for Respondent No. 3.

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 16th AUGUST, 2024.

PER COURT :

1. The Applications are by the original claimants in the appeal for withdrawal of the amount deposited in this Court by the appellant/Acquiring Body.

2. Learned counsel for the Applicants 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deposited by the Acquiring Body on furnishing usual undertaking and 25% of the amount deposited was permitted to be withdrawn on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court.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 Fixed Deposit in any nationalised Bank, till the decision of the Appeal.

4. Learned counsel for the Applicants 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 matters, he submits that the Acquiring body has deposited only 50% of the amount of the award. He thus, prays that Applicants be allowed to withdraw the entire amount deposited on furnishing usual undertaking. This fact is not disputed by the learned counsel for the Respondents. Hence the following order :-

ORDER

- (i) Civil Applications are allowed and disposed of.
- (ii) The Applicants are allowed to withdraw the entire amount deposited by the Acquiring Body in this Court along with accrued interest, on furnishing usual undertaking that in case the appeal is allowed the Applicants shall re-deposit the amount with interest in this Court within 12 weeks thereafter.

(S. G. CHAPALGAONKAR)
Judge

