



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1007 CIVIL APPLICATION NO. 9081 OF 2024
IN FA/794/2023

Dawaljirao Prataprao Deshmukh

VERSUS

The State Of Maharashtra Thr The Collector, Osmanabad And
Ors

...

Advocate for Applicant : Mr. Ganesh Vilasrao Patil

Advocate for Respondents : Mr. M. S. Kulkarni

Mr. V.S. Badakh AGP for Respondent State.

...

AND

CIVIL APPLICATION NO. 1316 OF 2023
IN FA/794/2023

The Executive Engineer Krishna Khore Vikas Mahamandal

VERSUS

Dawaljirao Prataprao Deshmukh

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Advocate for Applicant : Mr. Kulkarni Mukul S.

AGP for Respondents: Mr. V S Badakh

Advocate for Respondents : Mr. Ganesh Vilasrao Patil

CORAM : S. G. CHAPALGAONKAR, J.

Dated : August 23, 2024

PER COURT :-

1. This is an application for withdrawal of the amount deposited by the acquiring body in this court pursuant to the impugned judgment and award.
2. The application is vehemently opposed by the acquiring body.

3. However, since the amount is already deposited, it will not be in the interest of justice to keep the amount idle in the office of this court. Hence, the following order:-

ORDER

a] The application is allowed.

b] The applicant is entitled to receive 50% of the amount of deposited alongwith accrued interest on furnishing usual undertaking. Further 25% of the amount deposited alongwith accrued interest is allowed to be withdrawn on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this court. Balance amount be invested in fixed deposit in any nationalized bank pending the appeal.

c] The application stand disposed off.

Stay Application :-

4. Learned counsel appearing for the applicant submits that the amount as per the award has been deposited in this Court.

5. Considering the submissions advanced, civil application is allowed in terms of prayer clause “A” and disposed off.

(S. G. CHAPALGAONKAR, J.)

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