



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 11266 OF 2023
IN
FIRST APPEAL NO. 769 OF 2022

Bhanudas Irappa Khandade
(Died) Through L.Rs.
Bhagirathibai Bhanudas Khandade and Others ..APPLICANTS

VERSUS

State of Maharashtra and Another ..RESPONDENTS

....

Mr. G.K. Sontakke, Advocate for applicants
Ms. U.S. Bhosale, A.G.P. for respondent no.1 – State
Mr. Anand Chawre a/w Ms. Vandana Sadawarte, Advocates for respondent
no.2

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CORAM : R.G. AVACHAT AND
NEERAJ P. DHOTE, JJ
DATE : 13th FEBRUARY, 2024

PER COURT :

1. By this application, the applicants seek to withdrawal of the entire amount deposited by the acquiring body as per the award passed by the reference Court. The application is by the legal representatives of deceased claimant. Learned counsel for the applicants submits that present applicants are the only legal representatives of the deceased original claimant and none of such legal representative has been left out.

2. Reliance is placed on order dated 13th April, 2016 passed by the Apex Court in SLP(C) No. 010634 - 010638 / 2016. We quote the said order

as under :-

“The learned counsel for the petitioners has invited our attention to various orders passed by this Court in several appeals whereby this Court has permitted withdrawal of 50% amount of the compensation without security and the balance 50% amount on furnishing security. The petitioners may point out this to the High Court and we request the High Court to take note of the orders passed by this Court and pass fresh order in accordance with law.”

3. On the previous date, learned counsel for the acquiring body sought time to ascertain whether the aforesaid order of the Apex Court was out of the same acquisition proceeding and from the same village. He submits that he has ascertained and confirmed the aforesaid order was out of the same acquisition proceeding and from the same village.

4. In view of above we proceed to pass the following order :-

Civil application is allowed. The applicants are permitted to withdraw 50% amount by way of an undertaking and 50% by furnishing security to the satisfaction of the Registrar (Judicial) of this Court, out of the amount deposited by the acquiring body alongwith accrued interest thereon.

(NEERAJ P. DHOTE, J.)

(R.G. AVACHAT, J.)

SSD