



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

**88 CIVIL APPLICATION NO. 10105 OF 2024
IN FA/1341/2023**

HARIBA YADA DALAL (DIED) THR LRS. SANTOSH HARIBA DALAL AND
ANR

VERSUS

THE STATE OF MAHARASHTRA, THROUGH COLLECTOR, OSMANABAD
AND ANR

Mr.V.V. Ingale, Advocate for the applicants.

Mr.R.K. Ingole, AGP for the respondent-State.

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

PC :-

01. Heard the learned Advocate for the applicants and the learned AGP for Respondents/State.

02. This application is for withdrawal of the amount. The 50% amount is already permitted to be withdrawn on usual undertaking by this Court vide order dated 09.03.2023.

03. Learned Advocate for the applicants submits that thereafter, this Court in some other matters arising out of the same acquisition proceedings allowed the applicant therein to withdraw 75% of the amount on certain conditions.

04. He thus, prays that the present applicants also be allowed to withdraw further 25% of the total amount deposited in this Court.

05. The application is vehemently opposed by the learned AGP by submitting that already 50% of the amount is allowed to be withdrawn. If the amount now is allowed to be withdrawn it would be difficult for the State to recover the amount. There are chances of success in the appeal.

06. Considering that in similar matters this Court has allowed to withdraw 75% of the total amount deposited, this Court has also inclined to allow the present application and pass following order :

ORDER

- a) The application stands allowed and disposed off.
- b) The Applicants/Claimants are allowed to withdraw further 25% of the amount deposited in this Court on furnishing solvent security/surety to the satisfaction to the Registrar, (Judicial) of this Court.

[KISHORE C. SANT, J.]