

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

944 CIVIL APPLICATION NO. 11614 OF 2024
IN FA/2888/2023

BHAGIRATH DEVKARAN JAKHAD AND ANR
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR
COLLECTOR OFFICE JALNA AND ORS

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Advocate for Applicant : Mr. Ajeet Babanrao Kale
Advocate for Respondent No.2 : Mr. B. R. Survase
AGP for Respondents/State : Mr. S.N.Kendre

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CORAM : KISHORE C. SANT, J.
DATE : 24.10.2024.

PER COURT :

WITHDRAWAL

1. This application is filed for withdrawal of the amount deposited by the Acquiring Body as per the impugned judgment and award in the office of this Court.

2. Learned Advocate for the applicants relied upon the order passed by this Court dated 10.10.2023 passed in Civil Application No. 10384 of 2023 in First Appeal No. 2751 of 2023 with connected applications and the said applications are

arising out of the same acquisition proceedings. The respondents do not dispute this position. In view of the earlier order the present application is partly allowed. Hence this Court inclined to pass following order :

ORDER

(i) The Civil Application stands partly allowed.

(ii) The applicants are permitted to withdraw 90% of the amount alongwith accrued interest deposited in this court subject to furnishing usual undertaking.

(iii) 10% of the amount alongwith accrued interest deposited in this Court is permitted to be withdrawn on furnishing solvent surety/security to the satisfaction of the Registrar, (Judicial) of this Court.

(iv) With this the Civil Application stands disposed off.

FIRST APPEAL

1. It is pointed out that the Acquiring Body has preferred an appeal only in two cases, whereas, in other cases

they have already acquiesced to the award passed by the learned reference Court. Those proceedings were the proceedings out of the same acquisition proceedings. In view of the same it is directed to post the First Appeals before the National Lok Adalat to be held on 30.11.2024 alongwith connected matters, First Appeal No. 2888 of 2023 in LAR No. 449 of 2011, First Appeal No. 2684 of 2023 in LAR No. 446 of 2011, First Appeal No. 1542 of 2023 in LAR No. 508 of 2011, First Appeal (ST) No. 26379 of 2023 in LAR No. 456 of 2011, First Appeal (ST) No. 26370 of 2023 in LAR No. 450 of 2011, First Appeal No. 2751 of 2023 in LAR No. 230 of 2012, First Appeal No. 861 of 2023 in LAR No. 229 of 2014, First Appeal No. 2977 of 2023 in LAR No. 253 of 2014, First Appeal No. 2752 of 2023 in LAR No. 210 of 2014, First Appeal No. 2690 of 2023 in LAR No. 233 of 2014, First Appeal (ST) No. 9276 of 2023 in LAR No. 328 of 2014, First Appeal No. 2824 of 2024 in LAR No. 222 of 2014, First Appeal No. 1541 of 2023 in LAR No. 240 of 2024 and First Appeal No. 1545 of 2023 in LAR No. 254 of 2014.

(KISHORE C. SANT)
JUDGE

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