



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

**CIVIL APPLICATION NO.11364 OF 2024
OF
FIRST APPEAL NO.1373 OF 2021**

Chandrakant Sitaram Patil and ors.
vs.
The Collector, Jalgaon and ors.

Mr.A.B.Kale, Advocate for the applicants/claimants
Mrs.Kalpalata Patil-Bharaswadkar, AGP for respondents - State
Mr.A.D.Pawar, Advocate for respondent - acquiring body

**CORAM : R.G.AVACHAT AND
NEERAJ P. DHOTE, JJ.**
DATE : OCTOBER 23, 2024

ORDER :-

This application for withdrawal of amount is filed in common by the claimants in Fifty-Two First Appeals, list of which is annexed at Exhibit "C".

2. Heard learned counsel for the applicants and learned counsel for the acquiring body.

3. It is not disputed that initially, the acquiring body had deposited 25% of the amount under the impugned award in terms of the order passed in the year 2021. This Court had permitted the applicants/claimants to withdraw said 25% of the amount. Now, the acquiring body has deposited another 25% of the amount under the

impugned award, i.e. the amount which was due on the date of that order, and not uptill date.

4. Learned counsel for the applicants/claimants submits that the applicants may be allowed to withdraw another 25% amount, which has now been deposited by the acquiring body, since, according to him, the said amount is far below the amount awarded. He submits that necessary undertaking(s) would be given by the applicants/claimants.

5. The application is opposed by learned counsel for the acquiring body. He submits that there are fruit-bearing trees and if the appeals are heard, the acquiring body is likely to succeed. He submits that the appeals may be heard finally.

6. It is not in dispute that so far, only 50% of the amount under the impugned award, has been deposited by the acquiring body. The acquiring body has not yet deposited remaining 50% of the amount along with interest. We, therefore, see no impediment to permit the applicants/claimants to withdraw another 25% amount deposited by the acquiring body.

7. Hence, the applicants/claimants are permitted to withdraw another 25% amount, which has now been deposited by

the acquiring body, subject to furnishing regular undertaking(s) to the satisfaction of learned Registrar (Judicial) of this Court. The application for withdrawal of amount, as such, stands disposed of.

8. Learned counsel for the acquiring body undertakes to prepare private paper book before the next date.

9. Fix the appeals for final hearing on 13.12.2024.

[NEERAJ P. DHOTE, J.]

[R.G. AVACHAT, J.]

KBP