



..1..

926-ca-13053-23

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

926 CIVIL APPLICATION NO. 13053 OF 2023
IN FA/2480/2015

SHAIKH A. MAJID SHAIKH UMAR

VERSUS

THE STATE OF MAHARASHTRA THROUGH COLLECTOR,
AURANGABAD AND OTHERS

...

Advocate for Applicant : Mr. Arun Hanumant Koralkar

AGP for Respondents – State : Mr. S. V. Hange

...

CORAM : Y. G. KHOBRAGADE, J.

DATE : 05.04.2024

PER COURT :

1. By the present application, the applicant seeks permission to withdraw remaining 25% of decreetal amount deposited by the respondent no. 3 – acquiring body along with interest accrued thereon.
2. The learned counsel appearing for the applicant relied on order dated 21.12.2021 passed in Civil Application no. 12629/2021 in First Appeal No. 1038/2015 and prays for passing the similar order.
3. Vide order dated 25.07.2018 passed by this Court in Civil Application 9320/2018, the applicant was permitted to withdraw 50% of decreetal amount along with interest accrued thereon on submitting

personal undertaking and 25% on furnishing solvent surety. Accordingly the applicant has already withdrawn 75% of compensation and remaining 25 % amount of compensation is lying with this Court.

4. Since the non-applicant/appellant/acquiring body questioned legality and validity of impugned judgment and award and in case, the said judgment and award is reversed, in that event, it would be very difficult to the acquiring body to recover said amount. Therefore, considering the nature of claim, the applicant is permitted to withdraw remaining 25% of compensation amount on furnishing bank guarantee to the satisfaction of the Registrar (Judicial) of this Court.

(Y. G. KHOBRADE, J.)

shp