IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.14141 OF 2023
IN FIRST APPEAL NO.3480 OF 2023

Uddhav Yashwant Dhage Patil and ors.
vs.
State of Maharashtra and ors.

AND

CIVIL APPLICATION NO.14142 OF 2023
IN FIRST APPEAL NO.3481 OF 2023

Chandrakant Gangadhar Gaikwad
vs.
State of Maharashtra and ors.

Mr.A.G.Kanade, Advocate for applicant
Ms.V.S.Choudhary, AGP for respondent no.1
Mr.G.B.Rajale, Advocate for respondent nos.2 and 3

CORAM : R.G.AVACHAT AND
NEERAJ P. DHOTE, JJ.
DATE : JANUARY 04, 2024

ORDER :-

Heard both sides.

2. These applications have been filed for withdrawal of amount deposited by the acquiring towards compensation enhanced by the reference court.

3. Learned counsel for the applicants submits that the applicants may be permitted to withdraw the entire amount, which is 75% of the amount awarded by the reference court.

4. Learned counsel for the respondent – acquiring body submits that only 50% of the amount deposited, may be allowed to be withdrawn.

5. There is no dispute that the acquiring body has not deposited the entire amount enhanced by the reference court and has deposited only 75% amount in this court. According to learned counsel for the applicants, the enhanced amount is less than four times and therefore, appeals ought not to have been filed by the acquiring body. Be that as it may.

6. The acquiring body has deposited only 75% of the amount enhanced by the reference court. We, therefore, permit the applicants to withdraw 75% of the amount deposited by the acquiring body; out of which, 75% amount is permitted to withdraw on furnishing solvent security/surety and 25% amount is permitted to withdraw on furnishing usual undertaking in the office.

7. The applications stand disposed of accordingly.

[NEERAJ P. DHOTE, J.] **[R.G. AVACHAT, J.]**

KBP