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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 14809 OF 2023
IN FA/1388/2022

UTTAM DHONDIBA MITKARI DIED THR LRS PUTLABAI UTTAM
MITKAR AND ORS

....Applicant

VERSUS

THE STATE OF MAHARASHTRA THROUGH COLLECTOR,
OSMANABAD AND ORS

.....Respondent

.....

Advocate for Applicant : Mr. Naiknavare Ramesh Vitthal
AGP for Respondents: Mr. K.S. Hoke Patil

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 19TH AUGUST, 2024.

ORDER :-

The applicant seeks withdrawal of the amount deposited by appellant/Acquiring Body in pursuance of award passed by the Reference Court. Mr. Naiknaware, invites attention of this court to the order dated 14.7.2023 passed in C.A. No. 8674 of 2023 in FA No. 2072 of 2022 and other connected matters to contend that this Court permitted withdrawal of 75% of the amount deposited by the appellant. Same course may be adopted in present case.

2. Considering submissions advanced and the observations made in the order dated 14.7.2023 in CA No. 8674 of 2023 in F.A. NO.

2027 of 2022, civil application can be disposed of by passing the following order.

O R D E R

- (a) The civil application is allowed;
- (b) Applicants are permitted to withdraw total 75% of the compensation amount deposited by the Acquiring Body/appellant.
- (c) The applicant shall be entitled to withdraw 50% amount on furnishing an usual undertaking to the satisfaction of the Registrar (Judicial) of this Court
- (d) In addition to aforesaid amount, the applicants are also permitted to withdraw 25% of the amount on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court.
- (e) Balance amount be invested in Fixed Deposit in Nationalized Bank, with renewal clause.
- (f) Civil application is disposed of.

[S.G. CHAPALGAONKAR]
JUDGE

grt/-