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53 sr.no..odt

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

**53 CIVIL APPLICATION NO. 130 OF 2025
IN FA/2723/2024**

**VISHWANATH SIDRAM MULE DIED THROUGH L RS BABU
VISHWANATH MULE**

....Applicant

VERSUS

**THE STATE OF MAHARASHTRA THROUGH COLLECTOR AND
OTHERS AND ORS**

.....Respondent

.....
Advocate for Applicant : Mr. Shashikiran N Patil

.....

WITH

**CIVIL APPLICATION NO. 10647 OF 2024
IN FA/2723/2024**

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 21ST JANUARY, 2025.

ORDER. :-

IN CA FOR WITHDRAWAL

Heard learned advocates for respective parties. The applicant seeks permission to withdraw the amount deposited by Acquiring Body. Learned advocate for applicant brings to the notice of this Court the order dated 7.11.2023 passed in connected matters i.e. C.A. No. 13248 of 2023 in First Appeal Stamp No. 20769 of 2021 and the order dated 27.6.2023 passed in C.A. No. 7753 of 2023 in F.A. No. 1680 of 2021.

2. In those matters, applicants have been permitted to withdraw 75% of the amount deposited by the Acquiring Body alongwith interest accrued thereon, subject to condition that they shall file usual undertaking and balance amount is directed to be kept in Fixed Deposit in any nationalized bank on yearly renewal basis till disposal of appeal.

3. Same course can be followed in this case also. Hence, the applicants are permitted to withdraw 75% of the amount on subject to condition that they shall file usual undertaking that in case any adverse order is passed in appeal, they shall refund the amount within six weeks from the date of order of this court and balance amount be kept in Fixed Deposit in any nationalized bank on yearly renewal basis till disposal of appeal.

4. Application is accordingly disposed of.

IN APPEAL

Heard.

Admit.

Respective advocates waives notice.

Print and paper book dispensed with.

[S.G. CHAPALGAONKAR, J]

grt/-