

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

22 CIVIL APPLICATION NO. 3757 OF 2025
IN FA/721/2025

Sugriv So Sadashiv Khandalkar And Anr

VERSUS

The State Of Maharashtra And Ors

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Advocate for Applicant : Mr. Patil Laxmikant C

AGP for Respondents: Mr. D B Bhangе

Advocate for Respondents : Mr. R A Tambe For R/3.

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WITH

CIVIL APPLICATION NO. 11106 OF 2024 IN FA/721/2025

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : April 09, 2025

PER COURT :-

1. Mr. Patil, learned advocate appearing for the applicants invites attention of this Court to the order dated 25.11.2024 passed in Civil Application No.12435 of 2024 in FA 1018 of 2022 with companion matters to contend that, in sister appeals arising out of the same acquisition, this Court allowed withdrawal of 75% amount alongwith interest accrued thereon, subject to furnishing of usual undertaking and same course may be followed in the present case also.

2. Mr. Tambe, learned advocate appearing for the respondent/acquiring body do not dispute that aforesaid order pertains to the same acquisition.

3. In that view of the matter, so as to maintain parity, the same course has to be followed in the present matter. In the result, following order is passed :-

ORDER

- (i) Civil Application for withdrawal of amount is allowed.
- (ii) The applicants are allowed to withdraw 75% of the amount deposited along with accrued interest on furnishing usual undertaking.
- (iii) Balance 25% amount shall be invested in any nationalized bank to be renewed from time to time till disposal of the appeal.
- (iv) The Civil Application stands disposed off.
- (v) Stay granted earlier, if any, to continue.

Stay application :-

4. Mr. Tambe, learned advocate appearing for the acquiring body submits that entire amount as per the award passed by the Reference Court has been deposited.

5. In that view of the matter, application is allowed in terms of prayer clause 'B' and disposed of.

(S. G. CHAPALGAONKAR, J.)

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