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34-CA-10662-2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

34 CIVIL APPLICATION NO. 10662 OF 2025
IN FAST/26875/2024

Kalyan S/o Shivdas Shinde.

VERSUS

The Executive Engineer M P Sinchan Bhavan Osmanabad And Others.

WITH

CIVIL APPLICATION NO. 11496 OF 2024
IN FAST/26875/2024

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Mr. Omprakash Waghmare h/f Mr. G. J. Kore, Advocate for Applicant.

Mr. Gulab B. Rajale, Advocate for Respondent No.1.

Smt. R. R. Tandale, AGP for Respondent-State.

CORAM : KISHORE C. SANT, J.

DATE : 29th SEPTEMBER 2025.

PC :-

1. Heard the parties.
2. This application is filed for withdrawal of the amount deposited in the office of this Court by the appellant-acquiring body. The application is vehemently opposed by the learned Advocate Mr. Rajale, appearing for respondent.
3. Considering that the amount is towards compensation for the

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property acquired from the claimant and the application is filed by the claimant, this Court is inclined to allow the application. Hence, the following order:

ORDER

- (i) Civil Application is allowed.
- (ii) The applicant is permitted to withdraw 80% of amount deposited in the office this Court alongwith accrued interest on furnishing usual undertaking.
- (iii) Further 20% of the amount alongwith accrued interest is allowed to be withdrawn on furnishing surety/security to the satisfaction of the learned Registrar (Judicial) of this Court.
- (iv) With this, civil application stands disposed off.

STAY APPLICATION

4. Since the amount is already deposited in the office of this Court alongwith accrued interest, this Court is inclined to allowed the application.

5. Application stands allowed.

6. There shall be stay to the impugned judgment and award till final disposal of the appeal.

[KISHORE C. SANT, J.]