



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

**67 CIVIL APPLICATION NO. 13173 OF 2024
IN FA/2853/2024**

UTTAM BHIMA VAIDHYA

VERSUS

**THE STATE OF MAHARASHTRA THROUGH
COLLECTOR AURANGABAD AND ANR**

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Advocate for Applicant : Mr. Kale Yogesh Damodhar

AGP for Respondent No. 1 : Mr. V.S. Badakh

Advocate for Respondent No. 2 : Mr. Suvarna M. Zaware

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : January 23, 2025

PER COURT :-

1. The applicant seeks permission to withdraw the amount deposited by the acquiring body in pursuance to the award passed by the reference Court.

2. Learned Advocate appearing for the applicant invites attention of this Court to the order dated 21.11.2024 passed in companion matters i.e. Civil Application No. 10814/2024 in First Appeal No. 4528/2023 and submits that this Court has permitted 100% withdrawal of the amount where the awards are for smaller amount and even in other cases almost 80 % amount is permitted to be withdrawn on usual undertaking.

3. Learned Advocate appearing for the respondent although resisted the prayer stating withdrawal of 80 % amount, he did not dispute that earlier order passed by this Court would

also applicable in present proceedings.

4. In that view of the matter, the application is partly allowed. The applicant is permitted to withdraw 80 % of the amount deposited by the acquiring body along with accrued interest on furnishing usual undertaking to satisfaction of (Registrar Judicial) of this Court. The rest of the amount be kept in fixed deposit with any nationalized bank till disposal of appeal. Application stands disposed of.

(S. G. CHAPALGAONKAR)
JUDGE

spc-