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

**946 CIVIL APPLICATION NO. 4351 OF 2025  
IN FAST/12888/2023**

**MURLIDHAR TUKARAM SHERKAR SINCE DECEASED  
THROUGH HIS LRS SHAHURAJ MURLIDHAR SHERKAR**

**VERSUS**

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

...

Advocate for Applicant : Mr. Praveen Baliram Rakhunde  
AGP for Respondent/s – State : Mr. K.N. Lokhande  
Advocate for Respondent No. 3 : Mr. Krishna P. Rodge  
h/f. Ms. Geeta L. Deshpande

**CORAM : PRAFULLA S. KHUBALKAR, J.**

**DATE : 17<sup>th</sup> June, 2025**

**PER COURT:**

1. This is an application for withdrawal of the amount deposited by the appellant.
2. Learned counsel for the claimants submits that in similar matter arising out of same project withdrawal of amount is permitted by this Court by order dated 06.03.2025 in Civil Application No. 2702/2025 in First Appeal Stamp No. 29140/2023. In view of this, he requests for withdrawal of the entire amount.

(2)

3. Learned Advocate Mr. Rodge holding for learned Advocate Ms. Deshpande, for respondent no. 3 / acquiring body opposes the request for withdrawal of 100% amount and submits that since the substantive appeal is filed and it is pending it will be in the interest of justice to allow the petitioner to withdraw only 75% of the amount.

4. Considering the submissions of both the parties, I am of the view that at present the claimants can be permitted to withdraw 75% of the amount.

5. The Civil Application is disposed of permitting the claimants / applicants to withdraw 50% of deposited amount on furnishing usual undertaking before the Registrar (Judicial) that in case the appeal is allowed, the amount will be deposited by them and 25% of the deposited amount be permitted to be withdrawn on furnishing solvent surety/security.

**(PRAFULLA S. KHUBALKAR, J.)**

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