

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

**CIVIL APPLICATION NO. 12846 OF 2015
IN
FIRST APPEAL NO. 397 OF 20**

Kisan Sadashiv Borade Died through
L.Rs. Annasaheb Kisan Borade
and others .. Applicant

Versus

The Executive Engineer (Construction)
MSED Co. Ltd. Osmanabad and others .. Respondents

Shri Sanjay A. Wakure, Advocate for Applicants.
Shri S. V. Mundhe, Advocate for the Respondent No. 1.

**CORAM : S. V. GANGAPURWALA, J.
DATE : 09TH OCTOBER, 2015.**

PER COURT :

. This is an application for withdrawal of amount. Mr. Wakure, the learned counsel submits that, earlier two applications are rejected. As such, present application cannot be entertained.

2. It would appear that, earlier applications were filed when the matter was under consideration for admission. The second application was disposed of on the ground that earlier application was rejected.

3. Mr. Munde, the learned counsel further submits that, the Reference Court has granted exorbitant compensation amount relying on the sale deeds of house property.

4. Considering the award passed, I pass the following order.

5. The applicants are allowed to withdraw 20% of the amount deposited on submitting an undertaking to this Court that, in the event the applicants are directed to deposit the amount, they shall deposit the same within one month. The applicants are further allowed to withdraw 30% of the amount deposited on furnishing solvent security/surety of the like amount. The remaining 50% of the amount be deposited in the fixed deposit of any nationalized bank. The civil application is disposed of.

[S. V. GANGAPURWALA, J.]