

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 15636 OF 2015
IN FA/2400/2014

RUKHMINBAI W/O DATTU KADAM AND ANOTHER
VERSUS
THE EXECUTIVE ENGINEER, IRRIGATION PROJECT STRENGTHENING
DIV., OMERGA AND ORS

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Advocate for Applicants : Mr. Laxmikant C. Patil.
Advocate for non applicant No.1 : Mr. S.G. Sangle.
AGP for non applicant No.2 : Mr. A. M. Phule.

CORAM : A.M. BADAR, J.
DATE : 16th DECEMBER, 2015.

PER COURT:

1] This is a joint application by non applicant Nos. 1 and 2, and original claimants in LAR No. 704 of 2009, they are owners of 1 Hectare 86 R land from Gat No. 46, which was acquired for the purpose of tank. By this application, both the applicants, are praying that they may be permitted to withdraw the amount deposited by non applicant no.1 before this Court.

2] Heard learned counsel for the applicant/original claimant. He submitted that originally, civil application bearing No. 13356 of 2015 was filed for withdrawal of the amount only by original claimant Nirmalabai and this Court had permitted her to withdraw the amount of compensation in terms of order dated 16th October, 2015, passed on that application. Subsequently, it is revealed that co-claimant Rukhminibai was not arrayed as applicant in the said application. Hence, present civil application is filed with a prayer that both claimants be permitted to withdraw the amount as per the order dated 16th October, 2015.

3] This application is supported by affidavit of Nirmala Kadam -

original claimant who has filed Civil Application No. 13356 of 2015 and she has no objection for permitting co-claimant Rukhminai to withdraw the amount alongwith her, in terms of the order dated 16th October, 2015.

4] In this view of the matter, applicant Rukhminibai and Nirmalabai both are permitted to withdraw the amount of compensation in terms of the order dated 16th October, 2015, passed by this Court in Civil application No. 13356/2015, strictly in terms of the said order. Civil application is disposed of accordingly.

[A.M. BADAR, J]

grt/-