

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

CIVIL APPLICATION NO. 2329 OF 2016
IN FA/113/2015 WITH CA/2330/2016 IN FA/110/2015 WITH CA/2331/2016
IN FA/2441/2014 WITH CA/2332/2016 IN FA/2402/2014 WITH
CA/2333/2016 IN FA/112/2015 WITH CA/2334/2016 IN FA/157/2015

CHANDRAKALABAI PRALHAD RATHI
VERSUS
THE EXECUTIVE ENGINEER, JALNA MINOR IRRIGATION DIVISION,
JALNA THR GMIDC AURANGAB

...
Advocate for Applicants : Mr.N.P.Dube h/f Bhandari Anand P.
Advocate for Respondents : Sudhir Bhalerao for R.1.
AGP for R.2. : Miss R.P.Gaur
...

CORAM : T.V.NALAWADE

DATED : 26TH FEBRUARY,2016

PER COURT :-

All Civil Applications are filed for permission to withdraw the compensation amount. Present applications are strongly opposed by counsel for acquiring body.

2] It appears that this Court had given conditional stay to the execution of judgment and award of the reference Court. The acquiring body was directed to deposit the entire amount of compensation. Submission was made by learned counsel for the applicants/original claimants that the acquiring body has deposited only 50% of the amount. It was submitted that this Court in order dated 20/12/2013 made in Civil Application No.11475/13 had allowed similar claimants

from the same group to withdraw the entire amount of compensation. Permission was given to withdraw 50% amount by giving personal undertaking and for the remaining 50% of the amount, solvent surety was to be given. It is submitted for the claimants that in the present matters only 50% amount is deposited and so that amount needs to be released subject to personal surety. In view of this submission and copy of order produced on record, applications are allowed. If the amount deposited in the present matters is 50% of the compensation amount, this amount is to be paid to the original claimants subject to giving undertaking by them.

(T.V.NALAWADE,J.)

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