

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

912 CIVIL APPLICATION NO./4095/2016

IN FA/1559/2015

GOVIND NAGNATH GHYAL AND ANOTHER
VERSUS
THE GODAVARI MARATHWADA IRRIGATION DEVELOPMENT
CORPORATION THROUGH ITS EX ENGINEE

...

Advocate for Applicants : Mr. PG Sontakke
Mr. CV Dharurkar, AGP for Respondent No.1.

CORAM : P.R.BORA, J.

DATE : 30th March, 2016.

PER COURT :

1) The Applicants are seeking withdrawal of the amount deposited by Respondent No.2 in the above mentioned First Appeal.

2) The learned Counsel for the applicants submitted that this Court by order dated 16th October, 2015 permitted the applicants to withdraw 100% amount on certain conditions as incorporated in Para 2 of the said order. The learned Counsel further submitted that

subsequently, one of the claimants, viz. Indubai Jalinder Nare has filed CA No. 9390/2015 praying that her 20% share be segregated and be paid to her separately. The said civil application No. 9390/2015 has been allowed by this Court vide order dated 28th October, 2015. After excluding 1/5th share of said Indubai, the balance amount is sought to be withdrawn by the present applicants.

3) The learned Counsel submitted that other two applicants, viz. Simintabai Nagnath Ghayal and Mangalbai Ramesh Waghmare have relinquished their rights by executing a registered relinquishment deed. In the circumstances, the learned Counsel prays that the balance amount be permitted to be withdrawn by the present applicants, viz. Govind Nagnath Ghayal and Balaji Nagnath Ghayal.

4) After having gone through the record of the case, it appears that there may not be any grievance, if the amount so deposited is

permitted to be withdrawn by all the four applicants, viz. Govind Nagnath Ghayal, Balaji Nagnath Ghayal; Simantabai Nagnath Ghayal and Mangalbai Ramesh Waghmare. Accordingly, the aforesaid four applicants are permitted to withdraw the amount by adhering to the terms and conditions as incorporated in order dated 28th October, 2015.

5) The Civil Application stands disposed of.

(P.R.BORA,J.)

bdv/