

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

32 CIVIL APPLICATION NO. 15772 OF 2015
IN FA/3022/2015 WITH CA/15773/2015 IN FA/3022/2015

NIVRUTI NAMDEO SHINDE DIED THR LRS MOHAN AND OTHERS
VERSUS
THE GODAVARI MARATHWADA IRRIGATION DEVELOPMENT
CORPORATION THROUGH ITS EXE ENGIN

...
Advocate for Applicants : Mrs. P.G. Sontakke
AGP for Respondent No. 2 : K.N. Lokhande
Advocate for Respondent No.1 : S.G. Sangle
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CORAM : T.V. NALAWADE, J.
DATED : 11th January, 2016.

PER COURT :

1. Notice in both applications. The learned AGP waives notice for respondent No. 2, State. Learned counsel Shri. Sangle waives notice for respondent No. 1, Acquiring Body. Heard both the sides.

2. Civil Application No. 15772/2015 is filed by the legal heirs of both the respondents for permission to come on record. It was necessary for the appellant to bring the legal heirs of respondents on record, but the legal representatives are not brought on record. In view of this circumstance and the submissions made, the application is allowed. Permission is granted to the legal representatives of both the respondents to come on record.

3. Notice in appeal to the legal representatives of both the respondents is waived by learned counsel Mrs. P.G. Sontakke. Amendment is to be carried out immediately.

4. Civil Application No. 15773/2015 is filed for permission to withdraw the amount deposited by the Acquiring Body. Heard both the sides.

5. The learned counsel for original claimant, owner has produced copy of order made by this Court in CA No. 15769/2015 in First Appeal No. 3021/2015. She submits that the said matter had arisen out of the same judgment and award. This Court has carefully gone through the order. As the indemnity bond needs to be signed by the person who is solvent, following order is made.

(i) Applicants/claimants are permitted to withdraw 50% amount of compensation without giving any undertaking or surety. The applicants are allowed to withdraw 25% of amount of compensation on submitting undertaking to the effect that in the event, the appeal is allowed, they shall refund the amount with interest at the rate given by the nationalized bank. The applicants are permitted to withdraw 25% of the amount upon

giving indemnity of solvent surety of like amount. In those terms the application for withdrawal of amount is allowed and disposed of.

[T.V. NALAWADE, J.]

ssc/