

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

81 CIVIL APPLICATION NO.462 OF 2019
IN FA/4759/2017

NAGARBAI NIVRUTI MALI (DIED) THRO. LRS. SUBHADRABAI MARUTI
MALI AND OTHERS
VERSUS
THE EXECUTIVE ENGINEER, LOWER TERNA PROJECT, LIFT IRRIGATION
WORKS, OSMANABAD AND OTHERS

...
CIVIL APPLICATION NO.489 OF 2019
IN FA/4760/2017
MAHADEO NIVRUTI KSHIRSAGAR & ANR
VERSUS
THE EXECUTIVE ENGINEER, LOWER TERNA PROJECT, OSMANABAD AND
OTHERS

...
Advocate for Applicants : Mr. R.P. Adgaonkar
Advocate for respondent No.1: Mr. P. R. Tandale
AGP for Respondent No.2: Mr. A.J. Salgare
...

CORAM : P.R. BORA, J.

Date: January 21, 2019
...

PER COURT :-

1 Civil Application No.489/2019 in First Appeal No.4760/2017 is not board. It is taken on record at the request of learned counsel for the applicant.

2 Heard Shri Adgaonkar learned advocate appearing for the applicants and learned counsel appearing for acquiring body.

3 The applicants are seeking withdrawal of the entire amount as has been deposited by the acquiring body; whereas the learned counsel for the acquiring body has opposed for

permitting withdrawal, stating that the compensation has been arbitrarily enhanced.

4 I have perused the impugned Judgment and the grounds of objections raised in exception to the said Judgment. Having considered the submissions, I deem it appropriate to pass following order:-

ORDER

(a) The applicants are permitted to withdraw 50% of the deposited amount on submitting undertaking to the satisfaction of the Registrar of this Court. Balance amount be invested in FDR in any nationalized bank for a period till disposal of the appeal.

(b) Call R & P.

(c) List the matter for final disposal at admission stage along with first appeal on 18.2.2019.

(P.R. BORA, J.)