

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL APPLICATION NO.874 OF 2016

IN

FIRST APPEAL NO.98 OF 2014

Vithal Dagadu Pawar and another

.. Applicants

IN THE MATTER BETWEEN

The Executive Engineer

Kanher Canal Division No.2,

Karawadi, Tal. Karad, Dist. Satara

.. Appellant

Versus

Vithal Dagadu Pawar and another

.. Respondents

Mr. V. A. Shastry i/by Mr. M. A. Athalye for the Applicants.

Mr. V. S. Tadke for the Respondent No.1 and 2.

Mr. A. R. Patil, AGP for the Respondent Nos.3 and 4.

CORAM : R.M. SAVANT, J.

DATE : 15th JULY 2016

PC.

1 The above Civil Application has been filed for withdrawal of the amount deposited by the Maharashtra Krishna Valley Development Corporation which is the acquiring body in the Reference Court. The Applicants are Permitted to withdraw an amount of Rs.97,136/- on furnishing a personal undertaking that the Applicants would refund the amount with the State or the Acquiring Body ultimately succeed in the

Appeal. The said undertaking to be filed at the time of withdrawal. The withdrawal of the amount without security in the instant case has been allowed in the peculiar facts and circumstances of the case as the amount involved is small and would therefore not operate as a precedent in any future cases for withdrawal. The Civil Application is accordingly disposed of.

[R.M. SAVANT, J]