

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

923 CIVIL APPLICATION NO. 11095 OF 2017
IN FAST/567/2016

BHAGAJI GOMAJI SUSTE (DIED) THR LRS GIRJUBA AND ORS
VERSUS
THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION NO.1, AURANGABAD
AND ANR

...

Advocate for Applicants : Mr. Sonaji K. Adkine
AGP for Respondents: Mr. B.V. Virdhe
Adv. for Respondent : Mr. Jeevan Patil h/f Mr. G.B. Rajale

CORAM : K.K. SONAWANE, J.

DATE : 11th October, 2017.

PER COURT:

1] Heard learned counsel for the original claimant and LRs of original claimant Bhagaji Suste. Perused the application. It has been submitted that this court has allowed the other claimants to withdraw the amount deposited by the Acquiring Body in this court. Hence, the learned counsel for the applicant prayed for passing similar order for permission to withdraw the amount by the applicant.

2] The learned counsel for the Acquiring Body submits that just and reasonable order be passed in the interest of justice.

3] in view of the order passed by this Court I do not find any impediment to take the same recourse for allowing the applicants to withdraw the amount. In view of nature of subject matter, it would be justifiable to allow the applicant to withdraw 70% of the amount deposited in this court. The applicant are hereby permitted to withdraw 70% of the amount deposited in this court on behalf of the Acquiring Body, subject to condition that the applicants shall furnish the undertaking to the satisfaction

of the Registrar (Judicial) of this court, to the effect that in case adverse situation arises after adjudication of the appeal on merit, in favour of the appellant Acquiring Body, the applicants will refund the amount forthwith as per the directions of this Court. Rest of the 30% amount be deposited on behalf of the Acquiring Body be invested in any nationalized bank for a period of two years or till adjudication on merit. Registry to do the needful for disbursement of 70% of the amount in favour of the applicants (LRs of deceased respondent No.1 Bhagaji), as per rules. Application for withdrawal of amount stands disposed of accordingly.

[K.K. SONAWANE]
JUDGE.

grt/-