

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

**1018 CIVIL APPLICATION NO.6745 OF 2019
IN FA/635/2019**

**SUBHADRA BAI ESHRAM SURWADE (DELETED) DECEASED LRS
CHINDHU AND ORS
VERSUS
EXECUTIVE ENGINEER, M.I.W. JALGAON AND ORS**

...

Advocate for Applicants : Mr. Kale Ajeet B.
AGP for Respondents/State : Mr. A.M. Phule
Advocate for Respondent No.1 : Absent.

...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 4th OCTOBER, 2019.

ORDER :

. Present application has been filed for withdrawal of amount. Amount of Rs.76,23,902/- plus amount of Rs.12,94,403/- has been deposited later on and also it appears that amount of Rs.76,23,902/- was deposited as per the order passed by this Court on 03.06.2019. The statement was made that Rs.1,52,47,804/- was deposited and then as per the direction of this Court, further amount of Rs.12,94,403/- has been deposited. That means, amount of Rs.1,65,42,207/- has been deposited in this matter.

2. Learned Advocate for the appellant is absent. Perusal of the appeal memo would show that the appeal has been filed mainly challenging the quantum. Under such circumstance, it is necessary to protect the interest of both the parties. Hence, case is made out for partial withdrawal of the amount. It is also to be noted that, interest, that is awarded, is also from the date of notification and that fact is also challenged. Therefore, taking this fact also into consideration, applicant Nos.1 to 3 are allowed to withdraw amount of Rs.25,00,000/- each.

3. Applicants shall file an undertaking within a period of eight weeks that they would make the said amount good, if directed at the time of final disposal of the appeal.

4. Civil Application stands disposed of accordingly.

(SMT. VIBHA KANKANWADI, J.)

SCM