

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

**1054 CIVIL APPLICATION NO.10277 OF 2019
IN FA/2117/2013**

**DATTATRAYA TULSIDAS TAPSAL
VERSUS
THE EX. ENGINEER, MEDIUM PROJECT OSMANABAD THR EX. ENGINEER,
IRRIGATION PROJECT AND ORS**

...
Advocate for Applicant : Mr. Ingale Vivekanand V.
AGP for Respondents/State : Mr. R.B. Bagul
Advocate for Respondent No.1 : Absent.
...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 30th AUGUST, 2019

ORDER :

. Present application has been filed for withdrawal of the amount. Learned Advocate for respondent No.1-acquiring body is absent. Perused the order passed by this Court on 01.08.2013. It appears that at the time of considering the stay application, this Court had directed the acquiring body to deposit 50% of the decretal amount only, and accordingly amount of Rs.16,06,004/- has been deposited. When 50% of the award only was directed to be deposited, there is no hurdle in allowing the withdrawal of the entire amount by the applicant. Hence, application stands allowed in terms of prayer clause 'B' subject to filing an undertaking

within a period of eight weeks that he would make the said amount good, if directed at the time of final disposal of the appeal.

2. Civil Application stands disposed of accordingly.

(SMT. VIBHA KANKANWADI, J.)

SCM