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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 8254 OF 2019
IN
FIRST APPEAL NO.3791 OF 2018

Aatmaram Ramsharan Agarwal (Died) LRs & Ors APPLICANTS
VERSUS

The Deputy Chief Engineer, Construction
Central Railway Pune and Another RESPONDENTS

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Mr. Mahesh S. Deshmukh, Advocate for the applicants
Mr. A. D. Soman h/f Mr. D. V. Soman, Advocate for R-1
Mr. P. N. Kutti, AGP for respondent - State

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[CORAM : SUNIL P. DESHMUKH AND
S. M. GAVHANE, JJ.]

DATE : 2nd AUGUST, 2019

ORDER :

1. Heard learned advocates for the parties.
2. Applicants, who are stated to be agriculturists, have referred to in the application that the amount of compensation is required by them for various purposes, as quite a few of the applicants are required to be given medical treatment and also the amount is required for maintenance and liabilities. This particular aspect is not being seriously disputed by the other side.
3. In the circumstances, we deem it appropriate to allow the applicants to withdraw 75% of the amount deposited in this

court.

4. Learned advocate for the applicants requests to transmit the amount to executing court. Other side has no particular objection if 75% amount lying in this court is transmitted to executing court. As such, 75% of the amount deposited be transmitted to executing court.

5. Application, as such, is partly allowed. Applicants are permitted to withdraw 75% amount deposited in this court. Out of said amount 50% amount is permitted to be withdrawn subject to filing of an undertaking to the effect that in case order adverse to their interest is passed in the appeal, the applicants would redeposit the amount being withdrawn under this order within a period of three months from the date of order. Remaining 50% amount, out of 75% amount allowed to be withdrawn, shall be withdrawn subject to filing of solvent security to the satisfaction of the executing court.

6. With aforesaid, civil application is disposed of.

[S. M. GAVHANE]
JUDGE

[SUNIL P. DESHMUKH]
JUDGE