

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

**CIVIL APPLICATION NO.6518 OF 2020 IN  
FIRST APPEAL ST.NO.18388 OF 2019**

Shivaji Vishwanath Deshmane

Applicant

Versus

Executive Engineer,  
Minor Irrigation Division, Osmanabad  
and another

Respondents

**WITH  
CIVIL APPLICATION NO.6517 OF 2020 IN  
FIRST APPEAL ST.NO.18273 OF 2019**

Shivaji Vishwanath Deshmane

Applicant

Versus

Executive Engineer,  
Minor Irrigation Division, Osmanabad  
and another

Respondents

Mr.V.V.Ingale, advocate for the applicants.  
Mr.R.C.Patil, advocate for Respondent No.1.  
Mr.A.B.Chate, AGP for Respondent No.2.

**CORAM : V.K.JADHAV, J.**

**DATE : 25<sup>th</sup> November, 2020.**

**PC :**

1           The learned Counsel for the applicants submits that this Court **(Coram: S.V.Kotwal, J.)**, by an order dated 19<sup>th</sup> June, 2019 in Civil Application No.6883 of 2019 in F.A. St. No.25601 of 2013 with connected matters, has permitted the applicants-

original claimants therein to withdraw the amount on certain conditions. Learned Counsel for the applicants submits that these applicants – original claimants, from the same award, may also be permitted to withdraw the amount on the same terms and conditions.

2            Mr.R.C. Patil, learned Counsel appearing for the acquiring body has also not disputed the earlier order passed by this Court permitting withdrawal of amount on certain conditions.

3            In view of the above, applicants-original claimants herein are also entitled to withdraw the amount on the same terms and conditions, as directed in the aforesaid order.

4            Hence, the following order:

(i)           Civil Applications are partly allowed.

(ii)          The applicants-original claimants are permitted to withdrawn 70% amount, out of the amount deposited before this Court, on furnishing an undertaking to the satisfaction of the Registrar (Judicial) of this Court.

(iii) Balance 30% amount shall be invested in fixed deposit in any Nationalised Bank, till final disposal of the appeals.

5 Civil Applications are accordingly disposed of.

**(V.K.JADHAV)**  
**JUDGE**

adb