

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

**CIVIL APPLICATION NO. 2505 OF 2020
IN
FIRST APPEAL (ST) NO. 16525 OF 2018**

Saudagar Rama Kedar
(Died) Through L.Rs.
Phulabai Saudagar Kedar and Others

..APPLICANTS

VERSUS

The Executive Engineer,
Minor Irrigation Division, Osmanabad
and Others

..RESPONDENTS

....
Mr. R.V. Naiknavare, Advocate for applicants
Mr. S.M. Ganachari, Advocate for respondent no.1
Mr. A.M. Phule, A.G.P. for respondent nos. 2 and 3
....

**CORAM : R.G. AVACHAT, J.
DATE : 02nd AUGUST, 2021**

PER COURT :

1. Heard. Perused the impugned award.
2. Learned counsel for the acquiring body has strong objection to permit withdrawal of the amount deposited in this Court. He relies on order dated 27th February, 2020 passed in Civil Application No. 2631 of 2020.

3. Learned counsel for the applicants would, on the other hand, relies on order dated 04th December, 2019 passed in Civil Application No. 13147 of 2019 and prays for withdrawal of amount.

4. It is not that the applicants are not entitled for enhancement even of a rupee. In view of order dated 04th December, 2019, I am inclined to permit the applicants to withdraw 50% of the amount deposited in this Court under award, 25% on furnishing an undertaking to the satisfaction of the Registrar (Judicial) of this Court and 25% on submitting solvent surety/security/bank guaranty in the like amount. Balance 50% amount be invested in fixed deposit in any nationalised bank till disposal of appeal. Civil application stands disposed of accordingly.

(R.G. AVACHAT, J.)

SSD