

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

**921 CIVIL APPLICATION NO.3395 OF 2021
IN
FIRST APPEAL NO.914 OF 2020**

**BABASAHEB S/O RAMBHAU DOKE AND OTHERS
VERSUS
EXECUTIVE ENGINEER, BEED IRRIGATION DIVISION, BEED UNDER
UNDER GMIDC, AURANGABAD AND ANOTHER**

...
Mr.T.G. Gaikwad Advocate for Applicants.
Mr.B.R. Survase Advocate for Resp. No.1.
Mr.S.S. Dande, AGP for Resp. No.2.
...

CORAM: ANIL S. KILOR, J.

DATE : 31st MARCH, 2021

ORDER :

1. This application is moved by the claimants for withdrawal of the amount.
2. After hearing the appeal for some time, it was admitted on the ground that the reference award which formed the basis for grant of enhancement of compensation, in this matter, the said reference award has been challenged in the first appeal and the said first appeal is pending before this Court.

3. In the circumstances, the learned counsel appearing for the claimants prays for permitting the claimants to withdraw 50% of the amount on furnishing undertaking.

4. Shri Survase, learned counsel for acquiring body has no serious objection if the amount to the extent of 50% of the deposited amount is permitted to be withdrawn by the applicants.

5. In that view of the matter, the application is partly allowed. The applicants are permitted to withdraw 50% of the total amount deposited in this Court on furnishing undertaking to the effect that in the event, decision in First Appeal is adverse to their interest, they would pay back / re-deposit the amount being withdrawn under this order within a period of three months from the date of such decision.

6. Civil application is disposed of.

[ANIL S. KILOR, J.]