

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

30 CIVIL APPLICATION NO.3250 OF 2020
IN FA/419/2019

AKTHARBEE KHYUMSAB KURESHI (DIED) THR LRS AZAM S/O KHAYUMSAB
KURASHI AND ANR
VERSUS
THE UNION OF INDIA DEPUTY CHIEF ENGINEER, DIVISIONAL (CONSTRUCTION)
C.R. PUNE -1AND ORS

...
Advocate for Applicants : Shri Sarawade Patil Dattatray D.
Advocate for Respondent No. 1 : Shri M.N. Navandar (Absent)
AGP for Respondent No. 2: Shri P.M. Kulkarni
Advocate for Respondent Nos. 3 & 4 : Shri N.J. Patil
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CORAM : M. G. SEWLIKAR, J.

DATE : 15th FEBRUARY, 2021.

PER COURT :

1. Heard Shri Sarawade, learned counsel for the applicants, Shri Kulkarni, learned AGP for respondent No. 2 and Shri N.J. Patil, learned counsel for respondent Nos. 3 and 4.
2. The applicants seek to modify the order dated 21.1.2019 vide which the applicants are permitted to withdraw 50% of the amount of compensation deposited by the appellant.
3. When this application No. 3250 of 2020 was filed, respondent Nos. 3 and 4 were not added as the applicants.
4. Because of death of Aktharbee, respondent Nos. 3 and 4

came to be added as applicant Nos. 3 and 4.

5. Shri Sarawade, learned counsel for the applicants submits that there was mutual understanding between applicant Nos. 1 and 2 and applicant Nos. 3 and 4 to withdraw 50% of the amount by applicant Nos. 1 and 2 only.

6. Shri Patil, learned counsel for respondent Nos. 3 and 4 acceded to whatever submission made by Shri Sarawade, learned counsel for the applicants. He has also filed reply stating therein that applicant Nos. 1 and 2 be permitted to withdraw 50% of the amount as directed in the order dated 21.1.2019 by this Court.

7. In view of this, order dated 21.1.2019 is modified and after the word 'applicants' the words 'respondent Nos. 1 and 2' be added.

8. Accordingly order be corrected and the corrected copy be uploaded.

9. Application is disposed of.

(M. G. SEWLIKAR)
JUDGE

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