

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

**920 CIVIL APPLICATION NO.3685 OF 2021
IN FAST/1160/2018**

TUKARAM BHAGWAN MUNDHE AND ANR
VERSUS

THE EX. ENGINEER, (MINOR IRRIGATION) DIVISION, THR LIFT
IRRIGATION DIV. OSMANABAD AND ORS

...
Advocate for Applicants : Mr. Narsing B. Jadhav
Advocate for Respondent No. 1 : Mr. Ruturaj C. Patil
AGP for Respondent No. 2 and 3 : Mr. B.V.Virdhe

...
CORAM : SHRIKANT D. KULKARNI, J.

DATE : 01-12-2021

PER COURT :

01. It is an application for withdrawal of amount moved by the applicants / original claimants.

02. Heard Mr. Narsing Jadhav, learned counsel for the applicants, Mr. Ruturaj Patil for the acquiring body / respondent No. 1, Mr. B.V.Virdhe, learned counsel for respondent Nos. 2 and 3.

03. It is revealed during the course of argument that the acquiring body has deposited the amount under the impugned award as per the conditional order passed by this Court dated 6.9.2018. The applicants / original claimants seek to withdraw the entire amount deposited in this appeal.

04. Mr. Ruturaj Patil, learned counsel appearing for the acquiring body submits that in connected matters this Court was pleased to allow to the claimants to withdraw 75% on furnishing usual undertaking with the Registrar (Judicial) and remaining 25% amount can be kept in the fixed deposit.

05. I do not see any reason to take different view. It would be appropriate to follow the same practice by allowing this application.

ORDER

The application is hereby allowed as under :

(i) The applicants / claimants are hereby permitted to withdraw 75% amount of compensation with accrued interest thereon deposited by the acquiring body on furnishing the undertaking to the satisfaction of Registrar (Judicial) of this Court. Remaining 25% of the amount of compensation with interest accrued thereon shall be kept in the fixed deposit for a period of two years with clause of renewal for the further period.

(ii) Accordingly application is disposed of.

[SHRIKANT D. KULKARNI, J.]