

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

CIVIL APPLICATION NO. 3392 2021

IN

FIRST APPEAL (STAMP) NO. 30525 OF 2019

Radhabai Shivaji Wagh

... Applicant

Versus

The Executive Engineer

G.M.I.D.C., Aurangabad

Through Minor Irrigation Division,

Jalna and others

... Respondents

....

Mr. N.R. Thorat, Advocate h/f Mr. R.K. Shingnapure, Advocate for Applicant

Mr. G.N. Patil, Advocate for Respondent No.1

Mr. P.M. Kulkarni, AGP for Respondent Nos.2 and 3 / State

....

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 29th JUNE, 2021

PER COURT:-

1. It is an application for withdrawal of amount moved by the applicant / original claimant. Perused the impugned judgment and award passed by the Reference Court.
2. Heard the learned counsel for both the sides.
3. If the application is allowed to withdraw 75% of the amount deposited by the acquiring body, it would meet the ends of justice.

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4. In view of the above, I proceed to pass the following order:

ORDER

(i) The application for withdrawal of amount moved by the applicant / original claimant is hereby allowed.

(ii) The applicant / original claimant is permitted to withdraw 50% of the amount deposited by the acquiring body in this Court on furnishing usual undertaking with the Registry.

(iii) He is further permitted to withdraw 25% of the amount deposited by the acquiring body on furnishing solvent surety to the satisfaction of Registrar (Judicial) of this Court.

(iii) The civil application is disposed of accordingly.

(SHRIKANT D. KULKARNI)
JUDGE

S.P. Rane