

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 5696 OF 2021
IN
FIRST APPEAL (ST) NO. 17704 OF 2019

Narsing S/o Shrirang Bhosale

...Applicant

Versus

The Executive Engineer,
Minor Irrigation Division, Osmanabad
and others

...Respondents

Mr S.B. Choudhari, Advocate for Applicant
Mr R.C. Patil, Advocate for Respondent No. 1
Mr G.O. Wattamwar, A.G.P. for Respondent Nos. 2 and 3 - State

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 1st JULY, 2021

PER COURT :

1. It is an application for withdrawal of amount moved by the applicant.
2. Heard Mr S.B. Choudhari, learned counsel for the applicant, Mr R.C. Patil, learned counsel for acquiring body and Mr Wattamwar, learned A.G.P. for respondent-State.
3. Mr Choudhari, learned counsel for the applicant invites my attention to para No. 5 of the instant application and submits that applicant's brother has moved Civil Application No. 1642/2021 in First Appeal No. 312/2021 arising out of same acquisition proceedings and this Court was pleased to allow that application for withdrawal by its order

dated 1st March, 2021 with a direction to furnish usual undertaking for withdrawal of 50 % amount and for 25 % amount on furnishing a solvent surety. Mr Choudhari, learned counsel submits that same course needs to be adopted. Mr Patil, learned counsel appearing for the acquiring body and learned A.G.P. did not dispute about the said factual position as mentioned in para No. 5 of the instant application.

4. Having regard to the above submissions, it would be appropriate to pass similar order regarding withdrawal of amount. Hence, I proceed to pass the following order :-

ORDER

(i) The applicant is permitted to withdraw 50 % of the amount deposited by the acquiring body in this court on furnishing usual undertaking with the Registry.

(ii) The applicant is further directed to withdraw 25 % of the amount deposited with the Registry on furnishing solvent surety subject to the satisfaction of the Registrar (Judicial) of this Court.

(iii) The Civil Application is allowed and disposed of accordingly.

[SHRIKANT D. KULKARNI, J.]

mta