

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 6858 OF 2021
IN
FIRST APPEAL NO. 3300 OF 2017

Vithal Babasaheb Waghmode
and Others

..APPLICANTS

VERSUS

The Executive Engineer,
Medium Project Division, Osmanabad
and Others

..RESPONDENTS

....
Mr. E.S. Murge, Advocate for applicants
Mr. R.A. Tambe, Advocate for respondent no.1
Mr. A.B. Chate, A.G.P. for respondent nos. 2 and 3
....

CORAM : R.G. AVACHAT, J.
DATED : 25th AUGUST, 2021

PER COURT :

1. Heard. Perused the impugned award.
2. Learned Counsel for Respondent No.1 - acquiring body strongly objects to permit withdrawal of amount. He relied on the judgment in the case of *Executive Engineer, Minor Irrigation Division, Jalgaon Vs. Vitthal Damodar Patil* reported in *(2019) 7 SCC 225*.

3. For the reasons given in the application, the applicants are permitted to withdraw 50% of the amount in deposited, on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court. The balance amount be invested in fixed deposit in any nationalized bank, till disposal of the appeal. Civil application stands disposed of accordingly.

(R.G. AVACHAT, J.)

SSD