

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

**CIVIL APPLICATION NO.8118 OF 2020
IN FIRST APPEAL NO.942 OF 2020**

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**KHAIRUNISABI SHABBIRSHAH FAKIR [DECEASED]
THROUGH HER LEGAL HEIRS
RIYAZ SHABBIR SHAH FAKIR & OTHERS
VERSUS
THE EXECUTIVE ENGINEER, MINOR IRRIGATION
DIVISION, JALGAON & OTHERS**

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Mr.V.B.Patil, Advocate for the applicants –
claimants.

Mr.S.D.Dhongade, Advocate for the respondent
– acquiring body.

Mr.A.A.Jagatkar, AGP for the respondent-
State.

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**CORAM : V.L.ACHLIYA,J.
DATE : 14.01.2021**

P.C.

1] The applicants i.e. the legal heirs
of the deceased - original claimant have
moved this application seeking withdrawal of
the amount of Rs.21,39,659/- deposited by the
appellant-acquiring body.

2] Heard learned counsel for the
applicants-claimants and the appellant –
acquiring body.

3] Learned counsel for the appellant
acquiring body submits that the amount

deposited by the appellant acquiring body is to the extent of 25% of the amount awarded by the Reference Court and further submits that considering challenge raised the appellant – acquiring body have no objections to withdraw the amount, which is to the extent of 25% of the amount awarded by the Reference Court.

4] Considering the submissions advanced, the applicants are permitted to withdraw the amount of Rs.21,39,659/- together with interest, subject to filing of the undertaking to the effect that in the event the award is set aside or modified, the applicants shall re-deposit the same within eight [8] weeks from the date of passing of the order.

5] The withdrawal of the amount shall be subject to the outcome of the appeal.

6] The application is disposed of in above terms.

[V.L.ACHLIYA]
JUDGE