

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

1001 CIVIL APPLICATION NO. 2610 OF 2021

IN FA/3165/2019

RAMDAS HARLAL RATHOD

VS

**THE EX. ENGINEER, MINOR IRRIGATION DIVISION-1
AURANGABAD AND ANR**

WITH

CA/2615/2021 IN FA/3168/2019

CA/2607/2021 IN FA/3163/2019

CA/2609/2021 IN FA/3167/2019

CA/2612/2021 IN FA/3166/2019

CA/2611/2021 IN FA/3164/2019

CA/2613/2021 IN FA/3169/2019

Mr. Vitthal B. Wayal, Advocate for the applicant
Mr. S. B. Pulkundwar, AGP for the respondent/State
Mr. Shrinivas M. Ganachari, Advocate for respondent No.1

CORAM : N. J. JAMADAR, J.

DATE : 12-03-2021

P. C.

. Heard.

2. The applicant-claimants in respective appeals have prayed for permission to withdraw the amount of compensation deposited by the respondent No.1-appellant in respective appeals pursuant to the awards passed by the Reference Court which are impugned in the respective appeals.

3. Heard learned counsel for the applicant, respondent

No.1-acquiring body and respondent No.2-State.

4. There are averments in the applications in justification of prayer for withdrawal of the amount of compensation.

5. Learned counsel for the applicants has submitted that in similar circumstanced matters arising out of the same project, this court has permitted withdrawal of 75% of the amount of compensation deposited by acquiring body subject to certain conditions.

6. The copy of the order passed by this court on 04-03-2021 in civil application no. 119 of 2021 in First Appeal No.461 of 2020 and other connected matters is tendered for perusal of the court.

7. Learned counsel for the respondent No.1 and 2 are not averse to pass identical order. Hence, the following order.

ORDER

i. The civil applications stand allowed.

ii. The applicant/applicants in each of the applications are permitted to withdraw 75% of the amount deposited by the acquiring body, in respective

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appeals, subject to conditions of furnishing an undertaking, to the extent of 50%, and a solvent surety to the extent of next 25%, to the satisfaction of the Registrar (Judicial) of this court.

iii. The balance 25% of the amount, in each of the appeals, be invested in a fixed deposit in any Nationalized bank.

iv. The civil applications stand disposed of.

[N. J. JAMADAR, J.]