

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

913 CIVIL APPLICATION NO.1995 OF 2022
IN FAST/23130/2020

HANMANT SAMBHAJI BIRAJDAR (DIED)
THR LRS BABRUWAN AND ORS

VERSUS

THE EXE. ENGINEER, KRISHNA VALLEY DEV. CO.,
OMERGA DIV. OMERGA AND OTHERS

...
Advocate for Applicants : Mr Apparao Yenegure
Advocate for Respondent No. 1 : Mr R.A. Tambe
AGP for Respondent Nos. 2 and 3/State : Mr S.G. Sangle

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 23rd February 2022

PER COURT :

1. It is an application for withdrawal of amount moved by the original claimants.
2. Heard Mr Apparao Yenegure, learned counsel for the applicants/original claimants, Mr S.G. Sangle, learned AGP for the respondent Nos. 2 and 3/State and Mr Rahul Tambe, learned counsel for the respondents.
3. It is revealed during the course of argument that as per the order passed by this Court, the respondent/acquiring body has deposited 50% of the amount of compensation under the impugned award. The applicants/original claimants are seeking 100% withdrawal of the same.
4. Mr Rahul Tambe, learned counsel for the respondent/acquiring body strongly opposed to allow this application in view of the grounds raised in the appeal memo.

5. It is the practice of this Court to allow the original claimants to withdraw 75% of the amount in deposit and out of it, 50% on usual undertaking and remaining 25% on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court. By taking the same view, I am convinced to allow this application.

ORDER

- (i) The applicants/original claimants are hereby allowed to withdraw 50% of the amount of compensation in deposit on usual undertaking to the satisfaction of Registrar (Judicial) and 25 % of the amount of deposit on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court.
- (ii) After furnishing such undertaking and surety, the Registry to make payment to the original claimants as per procedure.
- (iii) Remaining 25% balance amount shall be invested in Fixed Deposit in any nationalized bank initially for a period of one year with renewal clause.
- (iv) Civil Application is accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)

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