

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

927 CIVIL APPLICATION NO.4951 OF 2022
IN FA/2823/2019

SHIVAJI SADABA PHADTALE (DIED)
THR LRS CHATURABAI SHIVAJI
@ SHIVAPPA PHADTALE AND ORS

VERSUS

THE EX. ENGINEER, PATHBANDHARE MAJBUTIKARAN
DIV. OMERGA AND ORS

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Advocate for Applicants : Mr L. C.Patil
Advocate for Respondent No. 1 : Mr A.M. Gaikwad
AGP for Respondent Nos. 2 and 3/State : Mr N.T. Bhagat

CORAM : SHRIKANT D. KULKARNI, J.
DATE : 5th APRIL, 2022

PER COURT :

1. Heard Mr L.C. Patil, learned counsel for the applicants/original claimants, Mr A.M. Gaikwad, learned counsel for respondent No.1/acquiring body and Mr N.T.Bhagat, learned AGP for respondent Nos. 2 and 3/State.
2. Mr L.C. Patil, learned counsel for the applicants/original claimants seeks leave to place on record copy of order dated 24th September, 2021 passed by this Court (Coram : R.G. Avachat, J) in Civil Application No. 10044 of 2021 in First Appeal No. 2824 of 2019 arising out of same group.
3. The copy of order dated 24th September, 2021 is taken on record and marked as 'X' for identification.
4. Mr L.C. Patil, learned counsel for the applicants/original claimants seeks same relief. Mr Gaikwad, learned counsel for the acquiring body and Mr N.T. Bhagat, learned AGP for the State fairly conceded this position about

passing of earlier order passed by this Court in the above matter. By taking the same recourse, I proceed to pass the following order :-

ORDER

- (A) The application is allowed as under :-
 - (i) The applicants/original claimants are permitted to withdraw 60% amount of compensation with accrued interest thereon on furnishing usual undertaking to the Registrar (Judicial) of this Court.
 - (ii) The civil application is accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)

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