

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
BENCH AT AURANGABAD.

**907 CIVIL APPLICATION NO.2472 OF 2022**  
IN FA/3562/2018

GANPATI MAHADU @ MADHAV GIRI (DIED) THROUGH LRS  
RUKMINBAI AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA,  
THROUGH THE COLLECTOR, OSMANABAD AND OTHERS

...

Advocate for Applicants : Ms. Laxmi R. Thakur, h/f Mr. L. C. Patil.

AGP for Respondent/State: Mr. P. M. Kulkarni.

Advocate for Respondent : Mr. P. R. Tandale.

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CORAM : **SHRIKANT D. KULKARNI, J.**

DATE : 26<sup>th</sup> February, 2022.

**P.C.:**

. Ms. Thakur, holding for Mr. L. C. Patil, learned counsel for applicants submits that the acquiring body has preferred this appeal. However, the names in the civil application have been stated as per the judgment passed by the Reference Court. As such, there is no difference in the name of respondent No.3. In view of the submissions of Ms. Thakur, learned counsel for applicants the objections stand satisfied.

2 Mr. P. R. Tandale, learned counsel for appellant/acquiring body submits that his name is not appearing on the board though he has filed VP on behalf of the appellant/acquiring body. The Registry to take

note and the name of Mr. P. R. Tandale, learned counsel for appellant/acquiring body be shown on the board henceforth.

3 Ms. Thakur, learned counsel for applicants/claimants seeks leave to place on record copy of order passed by this Court in Civil Application No.8828 of 2019 with connected matters regarding withdrawal of amount. Leave granted. The copy of order is taken on record and marked 'X' for identification. She submits that similar view may be taken by allowing this application for withdrawal of amount.

4 Mr. Tandale, learned counsel for appellant/acquiring body opposed to allow this application as well as Mr. Kulkarni, learned AGP for respondent/State.

5 On perusing the copy of order passed by this Court (Coram: Smt. Vibha Kankanwadi, J.) dated 6<sup>th</sup> September, 2019, it is noticed that the claimants are allowed to withdraw 50% of the amount in deposit on furnishing undertaking to the satisfaction of the Registrar (Judicial). There is no dispute that this appeal is also arising out of the same group and out of same project. There is no reason to take any different view. The application needs to be allowed by taking the same view. Hence, the following order is passed:

**ORDER**

- I. The application for withdrawal of amount moved by the applicants/original claimants is hereby allowed.
- II. The applicants/claimants are permitted to withdraw 50% of the amount in deposit on furnishing usual undertaking with the Registrar (Judicial) of this Court.
- III. After furnishing such undertaking, the Registry to make payment to the claimants.
- IV. Civil application is accordingly disposed of.

[ SHRIKANT D. KULKARNI, J. ]

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