

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

CIVIL APPLICATION NO. 2902 OF 2021

BABURAO BHIVAJI KENDRE AND ANOTHER
VERSUS
THE EXECUTIVE ENGINEER LATUR MINOR
IRRIGATION LATUR DIVISION LATUR AND
ANOTHER

.....
Advocate for the Applicant : Mr.A.S. Deshpande
AGP for Respondent State : Mrs. D. S. Jape
....

**CORAM : S. G. DIGE, J.
DATE : 14.07.2022**

PER COURT :-

Heard learned counsel for the applicants and learned counsel for respondent No.1 and learned AGP for respondent No.2 and learned counsel for intervenor.

2. Learned counsel for the applicants submits that respondent No.1 has deposited 50% amount out of total amount, hence direction be given to the respondent No.1 to deposit remaining 50% amount and allowed the applicant to withdraw his share amount out of 50% deposited amount.

3. Learned counsel for intervenor submits that intervenors are the daughters of the applicants and suit is

decreed in their favour. They are also entitled for the share.

4. Learned counsel for the applicants submits that applicant be allowed to withdraw his share i.e. 1/3 amount out of deposited amount. Considering submissions of all learned counsel the applicant is permitted to withdraw amount of his share out of deposited 50% amount by giving undertaking.

**(S.G. DIGE,)
JUDGE**

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