

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

924 CIVIL APPLICATION NO.4331 OF 2022
IN FA/4751/2017

TRIMBAK ABARAO PATIL (DIED) THR LRS.
SITABAI TRIMBAK PATIL AND OTHERS
VERSUS
THE EXE. ENGINEER MINOR IRRIGATION DIV.,
OSMANABAD AND OTHERS

...

Advocate for Applicants : Mr. Ramraje A. Deshmukh.
Advocate for Respondent No.1: Mr. S. G. Sangle.
AGP for Respondent/State: Mr. S. N. Morampalle.

...

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

DATE : 01st April, 2022.

P.C.:

. It is an application moved by the applicants/claimants for withdrawal of amount with accrued interest thereon.

2 Heard Mr. R. A. Deshmukh, learned counsel for the applicants, Mr. Sangle, learned counsel for respondent No.1/acquiring body and Mr. Morampalle, learned AGP for respondent Nos.2 and 3.

3 It is revealed during the course of argument that this Court was pleased to allow Civil Application No.12724 of 2018 and permitted the applicants to withdraw 60% of the amount of compensation on furnishing undertaking and solvent surety to the satisfaction of the Registrar. However, original claimant could not withdraw the amount

due to his bad health and unfortunately he died. Therefore, this application is moved by the applicants/legal heirs. In the light of the order passed earlier by this Court in Civil Application No.12724 of 2015 dated 11th October, 2018, the prayer needs to be allowed regarding withdrawal of compensation amount. Hence, the following order is passed:

ORDER

- I. The application is hereby allowed in terms of prayer clause (B) on condition that the applicants shall furnish necessary undertaking and furnish solvent surety as per the order passed earlier by this Court dated 11th October, 2018.
- II. The application is accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]

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