

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

974 CIVIL APPLICATION NO.8734 OF 2022
IN FA/2861/2019

UTTAM SHAMRAO KHILLARE AND ORS
VERSUS
THE EX. ENGINEER, MINOR IRRIGATION DIV. BEED AND ANR

...
Advocate for Applicants : Mr. Naikwade Shivaji Kondiramji
AGP for Respondents: Mr. P. M. Kulkarni
...

**CORAM : S. G. DIGE, J.
DATE : 21.06.2022**

PER COURT :-

Heard learned counsel for the applicants and learned A.G.P.

2. The appellant/ respondent No.1 has deposited entire awarded amount before this Court. The applicant has filed Civil Application for withdrawal of the amount deposited by respondent No.1. This Court by the order dated 6th December, 2019 permitted the applicant to withdraw 50% of the total amount and 25% of amount on furnishing solvent surety. The applicant No.1 is father and applicant No.2 and 3 are son of applicant No.1. They are not having good terms with each other, so all applicants wants to allow the applicants to withdraw their apportioned 1/3rd share on their own account. The applicants

have 1/3rd share in the amount. Hence they be allowed to withdraw it.

3. Considering the submission of learned counsel for the applicant, the order is already passed for withdrawal of the amount. The applicants wants their share separately. Hence I pass the following order.

ORDER

- (i) The application is allowed.
- (ii) The applicants are allowed to withdraw amount of their share and shall furnish undertaking as per order of this court dated 6th December 2019.
- (iii) Civil Application is disposed of.

(S.G. DIGE, J)
JUDGE

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