

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

**932 CIVIL APPLICATION NO.5192 OF 2022
IN
FA/866/2020**

**MAHADEO GURLING TODKARI AND ANOTHER
VERSUS
THE EXECUTIVE ENGINEER, MIONR IRRIGATION DIVISION
OSMANABAD AND ANOTHER**

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Advocate for Applicants:

Mr. Madhav K. Jadhav h/f. Mr. More Abhijit S.

Advocate for Respondent No.1:

Mr. Avinash D. Hande h/f. Mr. R. B. Gaikwad
AGP for Respondent No.2: Mr. S. N. Morampalle

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CORAM: SHRIKANT D. KULKARNI, J.

DATE: 08th APRIL, 2022

PER COURT:

1. It is an application for withdrawal of compensation amount moved by the applicants / original claimants.

2. Heard Mr. A. D. Hande holding for Mr. R. B. Gaikwad, learned Counsel for Respondent No.1 / acquiring body and Mr. Morampalle, learned A.G.P. for the State / Respondent No.2.

3. Mr. M. K. Hande holding for Mr. A. S. More, learned Counsel for the applicants / claimants seeks leave to place on record copy of order passed by this Court in Civil Application No.11353 of 2021 in First Appeal No.865 of 2020 dated 14.10.2021.

4. Leave granted.

5. The copy of the order is taken on record and marked "X" for identification. He submitted that this application is arising out of same group, notification and project. Mr. A. D. Hande holding for Mr. R. B. Gaikwad, learned Counsel for Respondent No.1 and Mr. S. N. Morampalle, learned A.G.P. for Respondent No.2 fairly concedes the position of passing of order earlier by this Court dated 14.10.2021. I do not see any reason to take any different view. By taking same view I proceed to pass the following order.

ORDER

[I] The application is hereby allowed.

[II] The applicants / claimants are hereby permitted to withdraw 50% of the amount of compensation with accrued interest thereon on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.

[III] They are further permitted to withdraw 15% of the amount of compensation with accrued interest thereon on furnishing solvent security / surety or Bank Guarantee to the satisfaction of the Registrar (Judicial) of this Court.

6. Civil Application is accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]

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