

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

922 CIVIL APPLICATION NO.6674 OF 2022
IN FA/824/2022

JANARDHAN MARUTI GARAD (DIED)
THROUGH LRS. SHANTABAI W/O JANARDHAN
GARAD AND OTHERS

VERSUS

THE EXECUTIVE ENGINEER, OSMANABAD
MEDIUM PROJECT DIVISION, OSMANABAD AND ORS

...

Advocate for Applicants : M.L. Dharashive
AGP for Respondent Nos. 2 and 3/State : Mr A.B. Chate
Advocate for Respondent No. 1 : Mrs Sunita Shelke

CORAM : SHRIKANT D. KULKARNI, J.
DATE : 28th APRIL, 2022

PER COURT :

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

2. Heard Mr M.L. Dharashive, learned counsel for the applicants/claimants, Mrs Sunita Shelke, learned counsel for respondent No.1/acquiring body and Mr A.B. Chate, learned AGP for respondent Nos..2 and 3/State.

3. Mr Dharashive, learned counsel for the applicants/claimants invited my attention to the order passed by this Court in Civil Application No. 5058/2022 in First Appeal No. 19015/2020 vide Exh. A. He submits that this Court was pleased to allow to the claimants/applicants to withdraw 70% of the amount of compensation with accrued interest thereon. He seeks similar relief.

4. Mrs Sunita Shelke, learned counsel for respondent No.1/acquiring body and Mr A.B. Chate, learned AGP for the State have been fair enough to admit the above said position of passing of earlier order thereby allowing to the applicants/claimants to withdraw 70% of the amount of compensation. I do not see any reason to take any different view. By taking the same view, I proceed to pass the following order :-

ORDER

- (i) The application is hereby allowed as under :-
 - (a) The applicants/claimant are hereby permitted to withdraw 50% of the amount of compensation with accrued interest thereon subject to furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.
 - (b) The applicants/claimant are further permitted to withdraw 20% of the amount with accrued interest thereon subject to furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court.
- (ii) The civil application is accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)

mta