

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

925 CIVIL APPLICATION NO.6684 OF 2022
IN FAST/21726/2019

SHIVRAJ GUNDAPPA HONMALE (DIED)
THR LRS SUBHADRA BAI (DIED) THR LRS
SIDHESHWAR AND ORS

VERSUS

EX. ENGINEER, LATUR MEDIUM PROJECT
LATUR UNDER G.M.I.D.C., AURANGABAD AND ANR

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Advocate for Applicants : Mr K.P. Rodge
AGP for Respondent No. 2/ State : Mr S.P. Deshmukh
Advocate for Respondent No. 1 : Mr B.R. Surwase

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

PER COURT :

1. Heard Mr K.P.Rodge, learned counsel for the applicants/claimants, Mr B.R. Surwase, learned counsel for respondent No.1/acquiring body and Mr S.P. Deshmukh, learned AGP for the State.
2. Perused the earlier orders passed by this Court dated 03.08.2021 in Civil Application Nos. 4719/2021 and 4718/2021 in First Appeal Stamp No. 21726/2019.
3. It is revealed that this Court was pleased to allow the applicants/claimants to withdraw entire amount of compensation deposited by the acquiring body in this Court on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court vide order dated 03.08.2021. Afterwords, Civil Application No. 4718/2021 came to be moved to bring on record legal heirs. That also came to be allowed. Thereafter, one of the legal

heirs Subhadrabai 1(A) died on 14.01.2022. In that background, the applicants constrained to move this application for withdrawal of compensation amount. The application needs to be allowed in view of the earlier orders passed by this Court dated 03.08.2021.

ORDER

- (i) The application is hereby allowed.
- (ii) The applicants Nos. 1-B to 1-E are hereby permitted to withdraw the amount of compensation of Rs. 4,08,039/- with accrued interest thereon on furnishing usual undertaking to the Registrar (Judicial) of this Court.
- (iii) The applicant Nos. 1-B to 1-E shall be brought on record in the array of appeal memo by the appellant/acquiring body by making necessary amendment in the array of appeal memo.
- (iv) It is stated that these applicants have already submitted the undertakings with the Registry. If it is so, those undertakings shall be acted upon without insisting for fresh undertaking.
- (v) The civil application is accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)

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