

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

12 CIVIL APPLICATION NO.6642 OF 2022

IN

FA/291/2021

WITH

CA/6645/2022 IN FA/289/2021

WITH

CA/6647/2022 IN FA/290/2021

**PARWATIBAI @ PARWATI CHANAPPA @ CHANNAPPA MUDGADE
(DIED) THROUGH LRS SATISH CHANNAPPA MUDGADE AND**

OTHERS

VERSUS

**THE EXECUTIVE ENGINEER, MEDIUM PROJECT, LATUR AND
OTHERS**

...

Advocate for Applicants: Mr. Kodale Vikas G.

AGP for Respondent/State: Mr. S. P. Deshmukh

Advocate for Respondent No.1:

Mr. Hemraj P. Kshirsagar

...

CORAM: SHRIKANT D. KULKARNI, J.

DATE: 02nd MAY, 2022

PER COURT:

1. These are the applications for withdrawal of compensation amount moved by the respective applicants / claimants. Heard Mr. Kodale, learned Counsel for the applicants / claimants, Mr. Hemraj Kshirsagar, learned Counsel for the acquiring body and Mr. S. P. Deshmukh, learned A.G.P. for the State.

2. Mr. Kodale, learned Counsel for the applicants / claimants seeks leave to place on record the copy of the order passed by this Court in Civil Application No. 2794 of 2022 in First Appeal Stamp No.6899 of 2021 with connected matters.

3. Leave granted.

4. The copy of the order is taken on record and marked "X" for the purpose of identification. Mr. Kodale, learned Counsel for the applicants / claimants submitted that this Court was pleased to allow the applicants / claimants to withdraw 75% of the amount of compensation with accrued interest thereon by allowing the above referred civil applications. He seeks similar relief of withdrawal of compensation.

5. Mr. Hemraj Kshirsagar, learned Counsel for the acquiring body strongly opposed to allow these applications. He submitted that the interest of acquiring body is to be protected. Mr. S. P.

Deshmukh, learned A.G.P. for the State argued on the similar lines.

6. On going through the copy of the order marked "X", it is revealed that in earlier group of matters this Court was pleased to allow the claimants to withdraw in all 75% of the amount of compensation with accrued interest thereon. This group is also from the same project. I do not see any reason to take any different view. The interest of the acquiring body has already been protected by retaining 25% of the amount of compensation. I am convinced to allow these applications as under-

ORDER

(I) The civil applications moved by the respective applicants / claimants for withdrawal of compensation amount are hereby allowed.

(II) The applicants / claimants 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.

(III) The applicants / claimants are further permitted to withdraw 25% of the amount of compensation with accrued interest thereon, subject to furnishing solvent surety / security to the satisfaction of the Registrar (Judicial) of this court.

(IV) Remaining 25% of the amount of compensation with accrued interest thereon shall be invested in Fixed Deposit account in any Nationalized Bank initially for a period of 1 year with renewal clause.

(V) The Civil Applications are accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]

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