

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

**13 CIVIL APPLICATION NO.6651 OF 2022
IN FA/294/2021**

**WITH
CA/6649/2022 IN FA/293/2021**

**WITH
CA/6644/2022 IN FA/295/2021**

**WITH
CA/6648/2022 IN FA/292/2021**

**VAIJNATH @ VAIJANATH SHANKARAPPA MUDGADE (DIED)
THROUGH LRS DATTATRAYA AND OTHERS
VERSUS
THE EXECUTIVE ENGINEER, MEDIUM PROJECT, LATUR AND
OTHERS**

...

**Advocate for Applicants: Mr. Kodale Vikas G.
AGP for Respondent/State: Mr. P. M. Kulkarni
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. P. M. Kulkarni, learned A.G.P. for the State.

2. It is pointed out by Mr. Kodale, learned Counsel for the claimants that in the earlier group of matters this Court was pleased to allow the claimants to withdraw 75% of the amount of compensation with accrued interest thereon deposited by the acquiring body. The order passed in Civil Application No.6642 of 2022 in First Appeal No.291 of 2021 with connected matters is placed on record and marked "X" for the purpose of identification. He, therefore, seeks similar relief for withdrawal of 75% of the amount of compensation with accrued interest thereon.

3. Mr. Hemraj Kshirsagar, learned Counsel for the acquiring body and Mr. P. M. Kulkarni, learned A.G.P. for the State opposed to allow these applications. I do not see any reason to take any different view. By taking the same view, I proceed to pass the following order-

ORDER

. The applications for withdrawal of compensation amount are hereby allowed as under-

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

(b) They are further permitted to withdraw 25% of the amount of compensation with accrued interest thereon on furnishing solvent surety / security to the satisfaction of the Registrar (Judicial) of this Court.

(c) Remaining balance 25% 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.

(d) The Civil Applications are accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]