

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

935 CIVIL APPLICATION NO.7132 OF 2022
IN FA/1780/2017

YEDA GANGARAM SAKHARE (DIED) THR LRS HARI (DIED) THR LRS
BALAJI AND OTHERS

VERSUS

EXECUTIVE ENGINEER, IRRIGATION PROJECT STRENGTHENING
(MAJBUTIKARAN) DIVISION, OMERGA AND OTHERS

...

Advocate for Applicants : Mr. Sanjay A. Wakure.

Advocate for Respondent No.1 : Mr. R. A. Tambe.

AGP for Respondent/State: Mr. S. N. Morampalle.

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CORAM : **SHRIKANT D. KULKARNI, J.**

DATE : 05th May, 2022.

P.C.:

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

2 Heard Mr. Wakure, learned counsel for the applicants/claimants, Mr. R. A. Tambe, learned counsel for respondent No.1/acquiring body and Mr. Morampalle, learned AGP for respondent Nos.2 and 3/State.

3 Mr. Wakure, learned counsel invited my attention to the copy of order passed by this Court in Civil Application No.14528 of 2019 with connected matters dated 16th December, 2019. He submits that this Court was pleased to allow the claimants to withdraw in all 75% of the

amount of compensation in deposit. He seeks similar relief of withdrawal of compensation.

4 The learned counsel for acquiring body and the learned AGP for the State are fair enough to admit the position of passing of earlier order by this Court in above referred matters, which is arising out of same project and group. 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:
- II. 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.
- III. The applicants/claimants 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.

- IV. Remaining 25% of the compensation amount with accrued interest thereon shall be invested in fixed deposit account in any Nationalized Bank initially for a period of one year with renewal clause.
- V. The application is accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]

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