

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

50 CIVIL APPLICATION NO.8284 OF 2022
IN FA/2295/2021 WITH CA/8285/2022 IN FA/2297/2021 WITH
CA/8283/2022 IN FA/2296/2021

LAXMIKANT PRAMOD SHETE AND ANR
VERSUS
EX. ENGINEER, BEED IRRIGATION DIV. BEED UNDER GMIDC, AURANGABAD
AND ANR

...
Advocate for Applicants : Mr. Naikwade Shivaji Kondiramji
AGP for Respondents/State : Mr. A.B. Chate
Advocate for Respondents : Mr. B.R. Survase
...

CORAM : S.G. DIGE, J.
DATE : 20th June, 2022

PC.:-

Heard learned counsel for the applicants, learned AGP and learned counsel Shri Survase for the acquiring body-respodent no.2.

2. It is the contention of learned counsel for the applicants that the acquiring body has preferred appeal against the order of learned trial Court and they have deposited 50% amount out of the total amount of award. The applicants are facing financial crisis and hence they are in need of money. Hence the applicants be permitted to withdraw the deposited amount. Learned counsel for the respondent no.2 (appellant herein) submit that the appellant/respondent no.2 have impugned the judgment and order passed by

the learned trial Court and as per the order of this Court, 50% amount is deposited before this Court and the applicants cannot be allowed to withdraw the entire 50% amount as applicants have chances of success in appeals.

3. I have heard all the learned counsels.

4. Admittedly, the learned trial Court has passed the award in favour of applicants directing respondent no.2 (appellant herein) to pay the amount to the applicants. The respondent no.2 has deposited 50% amount out of the total award amount. The applicants are facing financial difficulties, hence I pass the following order:

ORDER

- i) All the applications for withdrawal of amount are allowed.
- ii) The applicants are permitted to withdraw the entire amount deposited by the appellant / respondent before this Court along with accrued interest thereon upon furnishing undertaking

[S.G. DIGE, J.]