

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

CIVIL APPLICATION NO. 9960 OF 2022
IN
FIRST APPEAL STAMP NO. 29219 OF 2021

JANARDHAN MAHADU SURASE AND OTHERS
VERSUS
THE EX. ENGINEER, MINOR IRRIGATION
DIV. NO.1 AURANGABAD

....
Advocate for the Applicant : Mr. N. J. Pahune Patil
Advocate for respondent No.1 : Mr. S.G. Bhalerao
AGP for Respondent State : Mr. S. S. Dande
....

CORAM : S. G. DIGE, J.
DATE : 11.07.2022

PER COURT :-

Heard learned counsel for the applicant and
learned counsel for respondent No.1.

2. Learned counsel for the applicants submits that there are other matters which were decided by the reference court along with the applicants but in those matters respondent has not preferred the appeal. Some identical matters are settled before the Lok Adalat hence learned counsel for the applicants requested to permit the applicants to withdraw amount deposited by respondent No.1.

3. Learned counsel for respondent No.1 strongly opposed for withdrawal of the amount.

4. I have heard both the learned counsel. It is significant to note that in identical matters some matters are settled before Lok Adalat and in some matters respondent No.1 has not preferred the appeal. If it is so, the applicant can be permitted to withdraw the amount. Hence I pass the following order.

ORDER

- (1) Applicants are permitted to withdraw 75% amount out of total deposited amount by respondent No.1 on furnishing solvent surety for 25% amount and for 50% amount applicant shall file undertaking.
- (2) The remaining 25% amount shall be deposited in fixed deposit.

(S.G. DIGE,)

JUDGE

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