

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

**CIVIL APPLICATION NO. 9396 OF 2022
IN FA/2750/2021**

Kachru Namdeo Karhale
Deceased Through LR's
Nanasaheb Kachru Karhale
and others

.. Applicants

Versus

The Executive Engineer,
Minor Irrigation Division No. 1.
and another

.. Respondents

Mr. S. N. Pahune Patil, Advocate for the Applicants.
Mr. S. P. Tiwari, AGP for the Respondents-State.
Mr. B. R. Survase, Advocate for Respondent No. 1.

CORAM : ANIL L. PANSARE, J.

DATED : 05th JULY 2022.

PER COURT:-

. The applicant has put forth prayer to permit him to withdraw the amount deposited in the Court by the acquiring body.

2. The learned advocate for the applicants has pointed out that in identical matter, this Court vide order dated 05.05.2022 in Civil Application No. 7163 of 2022 has permitted the applicants therein to withdraw the entire amount deposited by the acquiring body.

3. In the circumstances, while recording objection raised by learned advocate Mr. Survase, for acquiring body/respondent No. 1, it will be appropriate to release the amount deposited by the acquiring body in consonance with the order that has been passed in identical matter. Hence, the following order.

ORDER

(I) The application is allowed.

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

(III) The applicants/claimants are further permitted to withdraw the 50% of remaining amount deposited by the acquiring body alongwith accrued interest thereon upon furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court.

(IV) The application is accordingly disposed of in above terms.

(ANIL L. PANSARE)
JUDGE

RS.B.