

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

14 CIVIL APPLICATION NO.12803 OF 2019
IN FA/2752/2018

NAGAPPA SHANKARAPPA SWAMI (DIED) THR LRS GANGADHAR AND ANR
VERSUS
THE EXECUTIVE ENGINEER, LATUR MINOR IRRIGATION, LATUR AND ANR

Mr Ashwin Sakolkar, Advocate h/f Mr V.G. Sakolkar, Advocate for applicants
Mr A.N. Gaddime, Advocate for respondent no.1 - absent
Mr P.M. Kulkarni, A.G.P. for respondent no.2

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 7th March, 2022

PER COURT :

1. It is an application for modification of the order passed by this Court dated 18.3.2019.
2. Heard Mr Sakolkar, learned Advocate for applicants and Mr P.M. Kulkarni, learned A.G.P. for respondent no.2. None present for applicant no.1 when the matter is called out.
3. It is revealed during course of argument that this Court was pleased to allow the applicants to withdraw 50% of the amount of compensation with accrued interest thereon subject to filing of written undertaking within eight weeks and remaining 25% on furnishing security to the satisfaction of the Registrar (Judicial) of this Court subject to filing of security to the satisfaction of the Registrar (Judicial) within eight weeks from the date of order.
4. It is submitted by Mr Sakolkar that the applicants had applied for security after receiving the orders from this Court. However, that time period is over. The applicants are ready to furnish security as per order of this Court. However, since the time schedule is over and to that extent, the order may be modified. Mr P.M. Kulkarni, learned A.G.P. opposed to allow this prayer.

5. It is necessary to modify the order so that applicants would be in a position to withdraw the amount, otherwise they would not get the amount.

ORDER

- (i) The Civil Application is hereby allowed.
- (ii) Clause 3 and Clause 4 of the order dated 18.3.2019 passed by this Court in Civil Application No.14905 of 2018 are modified and be read as under :

" 3. The applicants are permitted to withdraw 50% of the amount with accrued interest thereon as and when they furnish written undertaking to the satisfaction of Registrar (Judicial) of this Court.

4. The applicants are permitted to withdraw 25% of the amount with accrued interest thereon as and when they furnish the security to the satisfaction of the Registrar (Judicial) of this Court".

- (iii) The remaining order stands unaltered.

(SHRIKANT D. KULKARNI, J.)

VVR