

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

**13 CIVIL APPLICATION NO.15727 OF 2022
IN FAST/11291/2019**

**PUSHPA NARSING PADWAL (DIED) THROUGH LRS NARSING
AND OTHERS
VERSUS
THE EX. ENGINEER, OSMANABAD MINOR IRRIGATION SUB -
DIVISION, OSMANABAD AND OTHERS**

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Mr. V.V. Tarde, Advocate for the applicants.
Mr. S.N. Kendre, A.G.P. for respondent Nos.2 and 3.
Mrs. Surekha Chincholkar, Advocate for respondent No.1.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 05.12.2022.

ORDER:-

1. Heard rival submissions. The applicants are seeking permission for withdrawal of the amount of compensation as deposited by appellant - Acquiring Body. The learned Counsel for the Acquiring Body strongly opposed the application on the ground that Reference Court has granted exorbitant amount of compensation. However, she submits that if the Court is permitting the applicants to withdraw the amount, then 50% of the compensation amount be allowed to be withdrawn on usual undertaking and the 25% of the compensation amount be allowed to be withdrawn by furnishing solvent security / surety. In view of the same, the

applicants herein are permitted to withdraw 50% of the awarded amount on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court. The applicants are further permitted to withdrawn 25 % of the awarded amount on furnishing solvent security / surety. It is to be noted that the Acquiring Body has deposited only 75% of the awarded amount.

2. The application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)