

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

920 CIVIL APPLICATION NO.2840 OF 2022
IN FA/1180/2020

UDDHAV BALIRAM GAIKWAD (DEAD) THR. LRS.
SMT. SAVITA UDHAVRAO GAIKWAD AND OTHERS
VERSUS
THE EXECUTIVE ENGINEER, MEDIUM PROJECT,
OSMANABAD AND OTHERS

...

Advocate for Applicants : Mr. Vivekanand V. Ingale.

Advocate for Respondent No.1 : Mrs. S. D. Shelke.

AGP for Respondent Nos.2 & 3 : Mr. S. G. Sangle.

...

CORAM : **SHRIKANT D. KULKARNI, J.**

DATE : 03rd March, 2022.

P.C.:

. It is an application for withdrawal of amount moved by the applicants.

2 Heard Mr. Vivekanand Ingale, learned counsel for the applicants, Mrs. Shelke, learned counsel for respondent No.1 and Mr. Sangle, learned AGP for respondent Nos.2 and 3.

3 Mr. Ingale, learned counsel for applicants seeks leave to place on record copy of order dated 3rd March, 2017 passed by this Court in Civil Application No.11882 of 2016 in First Appeal No.2163 of 2016 arising out of same project and acquisition wherein this Court was pleased to allow the claimant to withdraw the entire amount deposited

by the acquiring body. The copy of order is taken on record and marked as 'X' for identification.

4 Mrs. Shelke, learned counsel for respondent No.1 and Mr.Sangle, learned AGP for respondent Nos.2 and 3 fairly concede the position of passing of order by this Court dated 3rd March, 2017 allowing the claimant to withdraw the entire amount of compensation.

5 It is necessary to allow this application by taking the same view in this matter, which is arising from the same project and acquisition. Undertaking can be obtained from the applicants, which would take care interest of the appellant. Hence, the following order is passed:

ORDER

- I. The application is hereby allowed.
- II. The applicants / original claimants are hereby permitted to withdraw the entire amount of compensation deposited by the acquiring body on furnishing undertaking to the satisfaction of the Registrar (Judicial) of this Court.
- III. The civil application is disposed of accordingly.

[SHRIKANT D. KULKARNI, J.]