

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

908 CIVIL APPLICATION NO.15753 OF 2022
IN FA/1526/2021 WITH CA/15754/2022 IN FA/1528/2021

AMBAJI REHU RATHOD (DIED) THR LRS. BHAAURAO AMBAJI
RATHOD AND ORS

VERSUS

EX. ENGINEER, OSMANABAD MINOR IRRIGATION DIV. UNDER
GMIDC, AURANGABAD AND ORS

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Advocate for Applicants : Mr. D. D. Biradar
AGP for Respondent Nos. 2 & 3: Mr. S. R. Yadav
Advocate for Respondent No. 1 : Mr. B. R. Surwase

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 24/11/2022.

P. C. :

1. Heard rival submissions.

2. Under this application the applicants claimants are seeking clarification as to whether this court under order dated 30/09/2022 has permitted them to withdraw entire deposited 75% amount of the impugned award or 75% of the deposited amount.

3. Though the learned counsel for the acquiring body opposed the application, but on perusal of the aforesaid order it appears that the acquiring body had deposited only 75% of the respective impugned awards. As such, if the order was allowing 75% of the said deposited amount, then there would have been certain order in respect of remaining or balanced amount from the deposited amount. There is no such order in respect of the balance amount.

As such, the court had in fact granted withdrawal of entire amounts to the respective applicants which was deposited by the acquiring body. Thus, it is clarified that the respective applicants herein under order dated 30/09/2022 were in fact permitted to withdraw the entire deposited amounts, which is equivalent to 75% of the impugned awards. As such, the applicants herein are permitted to withdraw 50% amount of the impugned award on usual undertaking and 25% of the impugned award on furnishing solvent surety / security to the satisfaction of the Registrar (Judicial) of this Court. In short, the applicants are entitled for withdrawal entire deposited amount.

4. Applications are accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)