

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

**927 CIVIL APPLICATION NO.1946 OF 2023
IN FAST/14924/2020**

**GAJANAN BHAGWAN JADHAV (DIED) THR LRS. PUSHPA GAJANAN
JADHAV AND OTHERS
VERSUS
THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION,
JALGAON AND ANOTHER**

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Advocate for Applicants : Mr. Patil Vijay Bhalerao
AGP for Respondent/s – State : Mr. S. N . Kendre
Advocate for Respondent No.1 : Mr. C. T. Jadhav h/f.
Mr. A. D. Pawar

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CORAM : SANDIPKUMAR C. MORE, J.

DATE : 15.02.2023

PER COURT :

Heard rival submissions. The applicants, who are the legal representatives of Gajanan Bhagwan Jadhav i.e. original respondent - claimant are seeking permission to bring themselves on record and also for withdrawal amount. Though the application is opposed for raising two prayers simultaneously, but considering the right to defend, the application stands allowed in terms of prayer clause 'B'.

2. The Acquiring Body is directed to carry out the amendment in the appeal as well as in the applications for delay forthwith.

3. So far as prayer clause 'C' is concerned, it is in respect of withdrawal of amount. The learned counsel for the respondent - Acquiring Body submits that the Acquiring Body has deposited 50% of the deposited amount on the compensation only. Further, this Court in other connected matters vide order dated 12.12.2022 has permitted the applicants therein to withdraw the deposited 50% of the compensation amount. As such, after carrying out the amendment by the Acquiring Body in the main appeal, the entire amount deposited by the Acquiring Body in this matter is allowed to be withdrawn by the present applicants along with the accrued interest thereon till date, by furnishing usual undertaking before the Registrar (Judicial) of this Court.

4. The application is accordingly disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

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shp/-