

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

931 FA/985/2022 WITH FA/986/2022 WITH FA/987/2022 WITH
FA/988/2022

THE EX. ENGINEER, MINOR IRRIGATION DIV. OSMANABAD AND
ORS

VERSUS

VYANKAT D. NAIKNAWARE (DIED) RUKMINBAI V.NAIKNAWARE
DIED THR LRS HARIDAS V. NAIKNAWARE AND ORS

...

Mr. S.D. Dhongade advocate for appellant.
Mr. R.V. Naiknavare advocate for respondents.

...

WITH

CIVIL APPLICATION NO.3418 OF 2023
IN FA/985/2022

VYANKAT D. NAIKNAWARE (DIED) RUKMINBAI V.NAIKNAWARE
DIED THR LRS HARIDAS V. NAIKNAWARE AND ORS

VERSUS

VYANKAT D. NAIKNAWARE (DIED) RUKMINBAI V.NAIKNAWARE
DIED THR LRS HARIDAS V. NAIKNAWARE AND ORS

...

WITH CA/3421/2023 IN FA/986/2022 WITH CA/3422/2023 IN FA/
987/2022 WITH CA/3419/2023 IN FA/988/2022

...

Advocate for Applicants : Mr. Naiknavare Ramesh Vitthal
Advocate for Respondents : Mr. S D. Dhongade
AGP for respondent State : Ms. P.V. Diggikar

...

CORAM : S. G. CHAPALGAONKAR, J.

Dated: July 07, 2023

...

PER COURT :-

ORDER IN FIRST APPEALS :-

1. Learned advocate for the appellants submits that he would forthwith carry out the amendment as per the order dated 23.6.2023.

aaa/-

2. Permission is granted. Amendment to be carried out forthwith.

Order in applications for withdrawal of the amount. :-

1. Heard learned counsel for appearing parties. Present applications are moved by the applicants-original claimants for withdrawal of the amount deposited by respondent-Acquiring Body.

2. Learned counsel for the respondent - Acquiring Body raises objection and submits that there is no plausible reasons/ground mentioned in the applications for withdrawal of the amount, therefore, he prayed to reject the applications. Learned AGP prayed for suitable orders.

3. Perused the applications. I have also considered the rival submissions of both sides. In view of the nature of subject-matter, the applicants are permitted to withdraw 50% of amount deposited by respondent-Acquiring Body in these appeals on furnishing undertaking for the satisfaction of the Registrar(Judicial) of this Court, to the effect that, in case, adverse situation, if any, arises after adjudication of the appeals on merit, they will deposit the amount forthwith as per orders of this Court. The rest of 25% of amount is allowed to be withdrawn on furnishing solvent surety of like amount and remaining 25% balance amount be invested in FDRs account in any Nationalized Bank for a period of two years or till adjudication of the appeals, whichever is earlier.

4. In the light of above, the civil applications stand disposed of accordingly.

(S. G. CHAPALGAONKAR, J.)

...

aaa/-