

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

**925 CIVIL APPLICATION NO.8108 OF 2023
IN FA/2453/2021**

**SALUKRAM VITHOBA KARHALE (DIED) THROUGH LRS
LAXMIBAI AND OTHERS
VERSUS
THE EX. ENGINEER, MINOR IRRIGATION DIV. NO. 1,
AURANGABAD AND OTHERS**

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Mr. R.V. Gore, Advocate for the applicants.
Mr. S.G. Bhalerao, Advocate for respondent No.1.
Mr. B.V. Virdhe, A.G.P. for respondent State

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 20.07.2023.

ORDER:-

1. Heard rival submissions.
2. The applicants are seeking modification of order dated 17.11.2022 in Civil Application No. 11438 of 2022. It appears that under the aforesaid order, the applicants therein, who are respondent Nos.1 to 4 in the main appeal, were granted withdrawal of 80% compensation amount from their shares. However, the appeal itself shows that there are in fact six original claimants. As such, the remaining claimants, who are the present respondent Nos.3 and 4, are also entitled for getting the 80% compensation from their respective shares as ordered. In view of the same, instead of modifying the earlier

order, the respondent Nos.3 and 4 are also permitted to withdraw 50% amount of compensation from their respective shares alongwith the proportionate interest thereon till date by furnishing usual undertaking to the satisfaction of Registrar (Judicial) of this Court. They are also further permitted to withdraw 30% amount of compensation from their respective shares alongwith the proportionate interest accrued thereon by furnishing solvent surety / security to the satisfaction of Registrar (Judicial) of this Court. The remaining amounts be invested in F.D.R. in any Nationalized Bank on yearly renewal basis till final disposal of appeal.

3. The application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)