

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

**CIVIL APPLICATION NO.3966 OF 2023
IN FA/2117/2022**

**EKNATH SANDU JAGDHANE AND ORS
VERSUS
EXECUTIVE ENGINEER, MID NO.2, AURANGABAD UNDER
G.M.I.D.C, AURANGABAD AND ORS**

**AND
CIVIL APPLICATION NO.3973 OF 2023
IN FA/2109/2022**

**RAMRAO DASHRATH SHEVALE DIED THR LRS LAXMIBAI
RAMRAO SHEWALE AND ORS
VERSUS
EXECUTIVE ENGINEER, MID NO.2, AURANGABAD UNDER
G.M.I.D.C, AURANGABAD AND ORS**

**AND
CIVIL APPLICATION NO.3987 OF 2023
IN FA/2408/2022 WITH FA/2409/2022**

**SHRIRAM HARIBHAU WANKHEDE DIED THR LRS SAGAR
SHRIRAM WANKHEDE AND ORS
VERSUS
EXECUTIVE ENGINEER, MID NO.2, AURANGABAD UNDER
G.M.I.D.C, AURANGABAD AND ORS**

**AND
CIVIL APPLICATION NO.8872 OF 2023
IN FA/2119/2022**

**BABURAO BALAJI DABHADE (DIED) THR LRS SEETABAI
BABURAO DABHADE AND ORS
VERSUS
EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION
NO.2, AURANGABAD UNDER G.M.I.D.C, AURANGABAD AND
ORS**

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Mr. K. F. Shingare, Advocate for the Applicants.

Mr. S. S. Dande, Mr. P. M. Kulkarni, AGP for Respondents-State.

Mr. B. R. Surwase, Advocate for Respondent No.1.

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 11th AUGUST, 2023.

PER COURT:-

1. Heard the learned Advocate appearing for the respective parties.

2. The learned Advocate appearing for the applicants points out that in group of First Appeals arising out of same acquisition i.e. Phulambri Storage Tank this Court permitted partial withdrawal of the amount subject to certain conditions and requests to follow the same course in these matters.

3. Mr. Surwase, learned Advocate appearing for the respondents-Acquiring Body did not dispute the aforesaid contentions.

4. In that view of the matter, case is made out to allow the civil applications. Hence, the following order:-

ORDER

a. Civil Applications are allowed.

b. The applicants are permitted to withdraw total 75% of the compensation amount alongwith proportionate accrued interest thereon deposited by the Acquiring Body. The 50% of the amount shall be withdrawn on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.

- c. The balance of 25% amount shall be permitted to be withdraw on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court.
- d. Balance of 25% amount alongiwth accrued interest thereon shall be kept in Fixed Deposit in any Nationalized Bank initially for a period of one year with renewal clause.
- e. Civil Applications are disposed of.

(S. G. CHAPALGAONKAR)
JUDGE