

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

**968 CA/7564/2023 IN FAST/10445/2022 WITH  
CA/9950/2022 IN FAST/10445/2022 WITH  
CA/9951/2022 IN FAST/10445/2022 WITH  
CA/9956/2022 IN FAST/10458/2022 WITH  
CA/9957/2022 IN FAST/10458/2022 WITH  
CA/9952/2022 IN FAST/10481/2022 WITH  
CA/9953/2022 IN FAST/10481/2022 WITH  
CA/7559/2023 IN FAST/10481/2022 WITH  
CA/7558/2023 IN FAST/10458/2022 WITH**

**DATTATRAYA AMBADAS GARAD AND ANOTHER  
VERSUS  
THE EX. ENGINEER, LIFT IRRIGATION DIV. OSMANABAD  
AND ORS**

...

Advocate for Applicants: Mr. A. N. Nagargoje h/f.  
Mr. Shinganapure Ravindra K.

AGP for Respondent/State: Mr. S. B. Pulkundwar

Advocate for Respondent No.1: Mr. S. G. Bhalerao

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**CORAM : ARUN R. PEDNEKER, J.**

**DATE : 04<sup>th</sup> NOVEMBER, 2023**

**PER COURT:**

1. Heard.

2. The learned counsel for the applicants has produced order dated 07.01.2019, passed in Civil Application No.318 of 2019 in First Appeal No.4467 of 2017 with connect matter and contend

that this court in identical matters permitted withdrawal of 75% amount deposited.

3. In view of the same, I deem it appropriate to permit the applicants to withdraw 50% of the deposited amount along with accrued interest thereon till date, subject to furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this court.

The applicants are further permitted to withdraw 25% amount on furnishing solvent surety / security to the satisfaction of the Registrar (Judicial) of this court.

The balance 25% amount shall be invested in fixed deposit in any nationalised bank on yearly renewal basis.

4. The civil applications for withdrawal of amount stand disposed of.

5. For the reasons mentioned in the applications for condonation of delay, the delay

is condoned. The civil applications for condonation of delay stand disposed of.

6. The interim stay granted by this court stands confirmed. The civil applications for stay stand disposed of.

7. The First Appeal is **admitted**. On admission, the learned counsel / AGP waive notice for the respective respondents. Call R & P. Office objections, if any, to be removed within a period of four (04) weeks from today.

[ARUN R. PEDNEKER, J.]

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