

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

**CIVIL APPLICATION NO.6542 OF 2023
IN
FIRST APPEAL NO. 2167 OF 2012**

**MAHADEO SUKHDEO MANE (DIED) THR LRS TOLABAI AND ORS
VERSUS
THE EX. ENGINEER, MIN. IRRI. DIV. OSMANABAD**

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Advocate for Applicants : Mr. P. B. Rakhunde
Advocate for Respondent No.1: Mr. R. B. Deshpande
AGP for the Respondent Nos.2 and 3/State: Mr. S. S. Dande

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 19.06.2023

PER COURT :

1. Heard the learned Advocate Mr. Rakhunde appearing for the applicants, the learned Advocate Mr. Deshpande appearing for respondent no.1 and the learned AGP for the respondents/State.
2. By way of this application, the applicants / original claimants are seeking withdrawal of the amount deposited by the respondent – acquiring body.
3. Learned Advocate Mr. Rakhunde appearing for the applicants would submit that, in respect of lands acquired from the same village for the same project, the award has been passed by the Reference Court. This Court has permitted withdrawal of 75% of the awarded amount. He requests to adopt the same course in the present matter. He would submit that, since the respondent - acquiring body has deposited only 75% of the awarded amount in this appeal, applicants may be permitted to withdraw the entire amount.

4. Having considered the submissions advanced, it would be appropriate in the interest of justice to permit the applicants to withdraw 75% of the amount along with accrued interest deposited in this appeal, subject to the condition that they furnish usual undertaking that in case they suffer any adverse order in appeal, they shall refund the entire amount in terms of final order that would be passed.

5. Civil Application is disposed of accordingly.

(S. G. CHAPALGAONKAR, J.)

Sameer