

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

**CIVIL APPLICATION NO.6411 OF 2023
IN
FIRST APPEAL NO. 2915 OF 2022**

**RAMCHANDRA SARJABA NANGURDE DECEASED THROUGH LR
SANTOSH RAMCHANDRA NANGURDE
VERSUS
EXECUTIVE ENGINEER MINOR IRRIGATION DIVISION 1 AURANGABAD
AND ANR**

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Advocate for Applicants : Mr. Pahune Patil Nandkishor J.
AGP for Respondent No.2/State: Mr. A. B. Chate
Advocate for Respondent No.1: Mr. V. C. Solshe

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 19.06.2023

PER COURT :

1. Heard the learned Advocate Mr. Patil for the applicant, Mr. Solshe for respondent no.1 and the learned AGP for respondent no.2.
2. By way of this application, the applicant is seeking to withdraw the amount deposited by the appellant / acquiring body in pursuance of the award passed by the Reference Court.
3. It is not in dispute that in connected appeals arising out of the same acquisition, the acquiring body has filed the appeal and this Court permitted the applicants to withdraw 50% of the amount deposited by the acquiring body.

4. In that view of the matter, the same course needs to be followed in the present matter.
5. The applicants are, therefore, permitted to withdraw 50% of the amount along with accrued interest thereon, subject to furnishing an undertaking to the satisfaction of the Registrar [Judicial] of this Court.
6. The remaining amounts be kept in F.D.R. in Nationalized Bank on yearly renewal basis.
7. Learned Advocate appearing for the respondent submits that, in fact the acquiring body has not deposited the entire amount of award.
8. The learned Advocate for the appellant shall take instructions in this regard.
9. Civil Application is accordingly disposed of.

(S. G. CHAPALGAONKAR, J.)

Sameer