

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

**CIVIL APPLICATION NO. 8059 OF 2023 IN
CIVIL APPLICATION NO. 52344 OF 2023
FIRST APPEAL ST. NO. 20836 OF 2016**

Shivaji Narayan Biradar & others

Applicants

Versus

The G. M. I. D. C. through the
Executive Engineer, Sakol Medium
Project Division, Latur & others

Respondents

Mr. S. S. Chillarge, advocate for the Applicants
Mr. A. M. Gaikwad, advocate for Respondent No.1.
Mr. P. M. Kulkarni, AGP for Respondents No.2 & 3.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 08th September, 2023.

PC :

Heard rival submissions.

By this Civil Application, the applicants-claimants
are seeking modification of order dated 20.04.2023.

Learned Counsel for the applicants submits that
though this Court has allowed the applicants to withdraw
75% of the deposited amount of compensation along with
proportionate interest till date as per paragraph 4 of the

order dated 20.04.2023 in respect of order of withdrawal of the amount, but as per the chart annexed with the record at page 12, the appellant-acquiring body has already deposited the amounts of compensation in respect of the appellants separately.

Learned Counsel for the acquiring body has also agreed for the same and submitted that the amounts mentioned against names of each of the applicants are in fact entire amounts granted to them as per the order passed by the learned Reference Court.

Learned Counsel for the applicants submits that when the amounts of all these applicants are distinctly deposited, then the aforesaid order can be modified by allowing them to receive their respective amounts distinctly and not jointly.

In view of the same, Civil Application stands allowed and paragraph 4 of the order dated 20.04.2023, to the extent of withdrawal of amount by the applicants, is replaced and substituted as follows:

“4 In view of the same, and considering the enhancement granted by the learned Reference Court, the applicants are permitted to withdraw 75% from their respective amounts of compensation as mentioned in the chart placed at page no.12 of this application along with proportionate interest accrued thereon till date on furnishing usual undertaking to the satisfaction of the Registrar (J) of this Court.”

The rest of the order is maintained as it is.

Civil Application is disposed of accordingly.

Office to issue corrected writ/order accordingly.

(SANDIPKUMAR C. MORE)
JUDGE