

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

912 CIVIL APPLICATION NO.6776 OF 2023
IN FAST/23387/2021 WITH CA/6775/2023 IN FAST/23387/2021 WITH
CA/6778/2023 IN FAST/23575/2021 WITH CA/6777/2023 IN
FAST/23581/2021 WITH CA/6779/2023 IN FAST/23575/2021 WITH
CA/9892/2021 IN FAST/23387/2021 WITH CA/9893/2021 IN
FAST/23387/2021 WITH CA/9894/2021 IN FAST/23575/2021 WITH
CA/9895/2021 IN FAST/23575/2021 WITH CA/9896/2021 IN
FAST/23581/2021 WITH CA/9897/2021 IN FAST/23581/2021

PRALHAD SADASHIV SURWASE (DIED) THR LRS. FULABAI PRALHAD
SURWASE AND ORS
VERSUS
THE EX. ENGINEER, IRRIGATION PROJECT STRENGTHENING
DIV.,OMERGA AND ORS

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Advocate for Applicants : Mr. Kale Ajeet B.
AGP for Respondents-State : Mr. A. B. Pulkundwar
Advocate for Respondent No.1 : Ms. Sunita D. Shelke

...

AND

913 CIVIL APPLICATION NO.6858 OF 2023
IN FAST/19218/2021 WITH CA/6859/2023 IN FAST/19226/2021 WITH
CA/6861/2023 IN FAST/19229/2021 WITH CA/6863/2023 IN
FAST/19222/2021 WITH CA/6860/2023 IN FAST/18536/2021 WITH
CA/6857/2023 IN FAST/19218/2021 WITH CA/9911/2021 IN
FAST/18536/2021 WITH CA/9912/2021 IN FAST/18536/2021 WITH
CA/9919/2021 IN FAST/19218/2021 WITH CA/9920/2021 IN
FAST/19218/2021 WITH CA/9915/2021 IN FAST/19222/2021 WITH
CA/9916/2021 IN FAST/19222/2021 WITH CA/9913/2021 IN
FAST/19226/2021 WITH CA/9914/2021 IN FAST/19226/2021 WITH
CA/9917/2021 IN FAST/19229/2021 WITH CA/9918/2021 IN
FAST/19229/2021

SHIVAJI BALIRAM SURWASE (DIED) THR LRS. VITHABAI SHIVAJI
SURWASE AND ORS
VERSUS
THE EXE. ENGINEER, IRRI. PRO., STRENGTHENING DIV., OMERGA
AND OTHERS

...

Advocate for Applicants : Mr. Kale Ajeet B.
AGP for Respondents-State : Mr. S. B. Pulkundwar
Advocate for Respondent No.1 : Mr. R. K. Ingole

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CORAM : ARUN R. PEDNEKER, J.
DATE : 03/11/2023

PER COURT :

1. The present appeals are filed by the acquiring body challenging the award passed by the Reference Court.
2. In applications filed for withdrawal of amount of compensation, the learned Advocate for the applicants has produced on record the order dated 24/02/2023 in FA No.1543 of 2021 and other connected matters, wherein the applicants are permitted to withdraw entire 75% of deposited amount along with the proportionate interest accrued thereon till date i.e. 50% on usual undertaking and 25% on furnishing solvent security/surety to the satisfaction of the Registrar (Judicial) of this Court.
3. In view of the same, the applicants are permitted to withdraw entire 75% deposited amount along with accrued interest thereon till date i.e. 50% on usual undertaking and 25% on furnishing solvent security/surety to the satisfaction of the Registrar (Judicial) of this Court.
4. Upon such undertaking is produced, the Registrar (Judicial) to disburse the amount as directed above. The civil applications filed

for withdrawal of amount stand disposed of accordingly.

5. In all civil applications filed for Stay. The learned Advocate for the applicants submits that the amount has been deposited in this Court as per the directions of this Court. In view of the same, the Stay order passed by this Court dated 23/09/2021, in the applications for stay, is confirmed. The applications filed for Stay stand disposed of.

6. In all the applications filed for condonation of delay, for the reasons stated in the application the said applications are allowed and disposed of.

7. The appeals are **Admitted.**

8. The learned Advocate Mr. A. B. Kale waives service of notice on behalf of respondent No.1.

9. The learned Advocate for the applicants submits that in the earlier order, the amounts of award more than 13 times and in the instant case amounts are 10 times and that the 25% surety can be dispensed with.

10. In the event, the applicant faces difficulty in securing surety, the applicant would be at liberty to mention.

(ARUN R. PEDNEKER, J.)