

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

956 CIVIL APPLICATION NO.7752 OF 2023
IN FIRST APPEAL NO.1757 OF 2021

CHATRABHUJ DHONDIBA CHAMBHAR (DIED) SHRAVAN
C.CHAMBER @ CHAMBHAR
VERSUS
THE STATE OF MAHARASHTRA & OTHERS

...

Advocate for the applicant : Mr.S.N.Patne
AGP for Respondent-State : Mr.K.N.Lokhande
Advocate for Respondent no.3 : Mr.M.S.Kulkarni

...

WITH

CIVIL APPLICATION NO.8642 OF 2021
IN FA/1757/2021

THE EXECUTIVE ENGINEER, IRRIGATION PROJECT,
STRENGTHENING DIVISION, OMERGA
VERSUS
SHRI CHATRABHUJ DHONDIBA CHAMBHAR & OTHERS

...

Advocate for the applicant : Mr.M.S.Kulkarni
Advocate for the respondent no.1-A : Mr.S.N.Patne
AGP for Respondent-State : Mr.K.N.Lokhande

...

WITH

FIRST APPEAL NO.1757 OF 2021

THE EXECUTIVE ENGINEER, IRRIGATION PROJECT,
STRENGTHENING DIVISION, OMERGA
VERSUS
SHRI CHATRABHUJ DHONDIBA CHAMBHAR & OTHERS

...
Advocate for the appellant : Mr.M.S.Kulkarni
Advocate for the respondent no.1-A : Mr.S.N.Patne
AGP for Respondent-State : Mr.K.N.Lokhande
...

CORAM : ARUN R. PEDNEKER, J.

DATE : 05.09.2023

P.C. :

**A] ORDER IN CIVIL APPLICATION FOR
WITHDRAWAL OF AMOUNT**

1] The present Civil Application is filed to permit the applicants to withdraw the amount deposited by the acquiring body in this Court.

2] The learned counsel for the applicants submits that in similar fact situation, this Court permitted the applicants therein to withdraw the amount deposited by the acquiring body and the acquiring body has deposited the 90% amount of the compensation amount and the applicants are permitted to withdraw 75% of the total compensation amount along with the proportionate interest accrued thereon till date on furnishing usual undertaking to the satisfaction of the Registrar [Judicial] of this Court. The learned counsel for the applicants further submits that there is mistake committed in the middle name of the father of the applicant in the First Appeal and he be permitted to correct the same.

3] In view of the same, the applicant is permitted to withdraw 75% of the total compensation amount along with interest accrued thereon subject to furnishing usual undertaking to the satisfaction of the Registrar [Judicial] of this Court. The Civil Application is also allowed in terms of prayer clause-B. The applicant is permitted to withdraw the amount as per the corrected name. Civil Application is disposed of accordingly.

B] ORDER IN CIVIL APPLICATION FOR STAY

The acquiring body has deposited the amount in this Court. In view of the same, the stay granted earlier is made absolute and Civil Application is disposed of accordingly.

C] ORDER IN FIRST APPEAL

1] First Appeal is **admitted**. On admission, Mr.S.N.Patne, learned counsel waives notice for the respondent no.1A. The learned AGP waives notice for the respondent nos.2 and 3.

2] Office objections, if any, to be removed within four weeks from today.

**[ARUN R. PEDNEKER]
JUDGE**