

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

24 CIVIL APPLICATION NO.10726 OF 2023
IN FA/2166/2021 WITH CA/10248/2021 IN FA/2166/2021

HANUMANT B. SOMPARVAT G. SHIVPARVAT (DIED) THR LRS
PRAKASH AND ORS

VERSUS

EXE. ENGINEER, IRRIGATION PRO. STRENGTHENING DIV.,
OMERGA, AND ORS

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Advocate for Applicants : Mr. P. S. Chavan
AGP for Respondents-State : Mr. K. B. Jadhavar
Advocate for Respondent No.1 : Mr. S. D. Shelke

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CORAM : ARUN R. PEDNEKER, J.
DATE : 09/10/2023

PER COURT :

1. Heard the learned Advocates representing the respective parties.
The present first appeal is filed by the acquiring body against the order of the Reference Court. The appellant has deposited 75% of the amount of compensation as per directions of this Court vide order dated 28/09/2021.
2. CA/10726/2023 is filed for withdrawal of amount. The learned Advocate for the applicants submits that in the identical facts situation in matters arising out of the same project, this Court by order dated 09/08/2023, in CA/9769/2023 in FA/2073/2021, along with other connected matters, has permitted the applicants to withdraw total 75% of compensation amount along with interest accrued thereon till date.

3. In view of the above, the applicants are permitted to withdraw the entire 75% of the compensation amount, deposited in this Court along with interest accrued thereon, on usual undertaking to the satisfaction of the Registrar Judicial of this Court. The applications are disposed of.

4. CA/102482021 IN FA/2166/2021 is filed for Stay. The Stay has been granted to the Reference Court award subject to deposit of 75% of total amount of compensation with interest as determined by the Reference Court. The acquiring body has deposited amounts of compensation as directed along with interest accrued thereon in this Court.

5. In view of the same, the Stay order passed by this Court dated 28/09/2021, in the application, is confirmed. Application is disposed of.

6. The appeal is **Admitted**.

7. After admission, the learned AGP waives service of notice on behalf of respondents-State.

8. Call for record and proceedings.

(ARUN R. PEDNEKER, J.)

vj gawade/-.