

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

988 CIVIL APPLICATION NO.9083 OF 2023
IN FA/2612/2022 WITH CA/8725/2022 IN FA/2612/2022

ANGAD S/O DNYANOBA GAIKWAD AND ANR
VERSUS
THE G.M.I.D.C., THR THE EX. ENGINEER, MINOR IRRIGATION DIV.
BEED AND ANR

...

Advocate for Applicants : Mr. Abhijeet V. Thombre
AGP for Respondents: Mr. P.M. Kulkarni.
Advocate for Respondent No.1 : Mr A.M. Gaikwad.

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 18TH AUGUST, 2023

ORDER :-

Heard learned counsel for the respective parties.

2. Mr. Thombre, learned counsel for applicants submits that in the connected appeals arising out of the same acquisition, the Acquiring Body has deposited the entire award amount and claimants are permitted to withdraw 75% of the amount subject to furnishing undertaking and solvent security. He would submit that in the present case, the Acquiring Body has deposited only 75% of the awarded amount and therefore, he seeks permission to withdraw the entire amount deposited by the Acquiring Body.

2. Mr. Gaikwad, learned advocate for the respondent Acquiring Body does not dispute the statement.

3. Considering the submissions advanced there is no impediment to permit the applicant to withdraw the entire amount deposited by the Acquiring Body as per the following order :-

: O R D E R :

[i]. The application is partly allowed.

[ii] The applicants are permitted to withdraw 65% of compensation deposited by the Acquiring Body alongwith interest accrued thereon subject to furnishing the usual undertaking to the satisfactions of the Registrar (Judicial) of this court.

[iii] The applicants are further permitted to withdraw balance 35% amount subject to furnishing solvent surety/security to the satisfactions of the Registrar (Judicial) of this court.

[S.G. CHAPALGAONKAR]
JUDGE

grt/-