

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

923 CIVIL APPLICATION NO. 9996 OF 2023
IN FA/3005/2022 WITH CA/12368/2022 IN FA/3005/2022

KASHINATH CHINDHA PATIL AND OTHERS
VERSUS
THE EXECUTIVE ENGINEER HATNOOR PROJECT CHOPADA AND
OTHERS

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Advocate for Applicants : Mr. Vijay Bhalerao Patil
Advocate for Respondent No.1 : Mr. S. V. Mundhe
AGP for Respondent-State : Mr. A. M. Phule
Advocate for Respondent No.4 : Mr. Arunkumar A. Suryawanshi

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**CORAM : SMT. VIBHA KANKANWADI AND
ABHAY S. WAGHWASE, JJ.**

DATED : 25 OCTOBER 2023

PER COURT :-

1. It appears that as per the additional affidavit together with the documents on record, applicant no.6 Sakshi has become major now. Definitely when it comes to the amount to be allowed to be withdrawn in respect of her share is concerned, necessary changes are required, so also in the appeal which is filed by the acquiring body, that necessary change is required. As regards applicant nos. 7 and 8 are concerned, they are still minors and therefore it does not require any change.

2. The parties are therefore directed to make the necessary changes in the application as well as appeal. Amendment to that extent be carried out within a period of one week.

3. Civil Application No. 9996 of 2023 has been filed for withdrawal of the amount by the original claimants. Learned Advocate for the applicants i.e. original claimants claims that the amount that has been directed to be deposited is not the entire amount and therefore, whatever amount has been deposited, be allowed entirely to be withdrawn by the claimants.

4. Learned Advocate appearing for the acquiring body submits that the amount is deposited as per the directions issued by the Court by order dated 29.08.2022.

5. It appears that the said amount which has been deposited in this Court was in two installments. Report given by learned Registrar (Judicial) would show that in all amount of Rs.1,20,45,400/- has been deposited. Now, whether it amounts to 75% or to what extent has to be looked after by both the parties and if it is not as per the order passed by this Court, which was in fact the conditional order, then the claimants are at liberty to take steps as law permits. The fact

remains is that the present application is for withdrawal of the amount which has been deposited in this Court, and taking into consideration the amount that has been deposited, applicant nos. 1 to 6 and 9 are allowed to withdraw amount of Rs.80,00,000/- (Rupees eighty lakh only) to be given equally. Rest of the amount be fixed in Fixed Deposit which is inclusive of the share of applicant nos. 7 and 8, who are presently minors, if any. Civil Application No. 9996 of 2023 stands disposed of accordingly.

[ABHAY S. WAGHWASE, J.]

[SMT. VIBHA KANKANWADI, J.]

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