

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

**19 CIVIL APPLICATION NO.10777 OF 2023
IN FAST/10742/2019**

**MAHADEO PANDHARI MALI
VERSUS
EX. ENGINEER, LIFT IRRIGATION DIVISION, OSMANABAD THREX.
ENGINEER, OSMANABAD AND ORS**

...
Advocate for Applicants : Mr.Naiknavare Ramesh Vitthal
Advocate for Respondent No. 1 : Mr.S.G.Sangle
AGP for Respondent No. 2/State : Mr.S.P.Tiwari
...

CORAM : KISHORE C. SANT, J.

DATE : 28.08.2023.

PER COURT :

1. This application is for permission to withdraw the amount i.e. of the enhanced compensation deposited by the appellant in this Court. The total amount of Rs. 26,32,549/- came to be deposited. By order dated 30.08.2019 this Court permitted to the applicant/respondent in the First Appeal to withdraw 50% of the deposited amount subject to filing of usual undertaking. The applicant has now filed this application seeking withdrawal of the remaining amount. He submits that in the similar matters against the same respondent/appellant this Court has passed an order allowing the similarly situated

persons to withdraw additional 25% of the amount on furnishing of solvent surety of like amount to the satisfaction of the Registrar (Judicial) of this Court. In view of above position, the learned Advocate for the applicant prays that he be allowed to withdraw the remaining amount. He is ready to furnish security/surety to the satisfaction of the Registrar (Judicial) of this Court.

2. The learned Advocate for the respondent, opposes the said request. However, considering that the amount is lying in the office of this Court without utilization, this Court finds that the applicant can be permitted to withdraw 25% of the total amount deposited by the appellant on furnishing a solvent surety of the like amount to the satisfaction of the Registrar (Judicial) of this Court.

3. The rest of the amount i.e. 25%, continue as already deposited in the Office of this Court. With this, the application stands allowed.

4. The office to permit the applicant to withdraw an

amount of 25%, with accrued interest of the amount deposited by respondent/appellant on furnishing of a solvent surety of the like amount to the satisfaction of the Registrar (Judicial) of this Court.

5. The remaining amount of Rs. 25% with accrued interest be kept in a Fixed Deposit, till final disposal of the appeal.

(KISHORE C. SANT)
JUDGE

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