

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

**CIVIL APPLICATION NO. 11642 OF 2023
IN
FIRST APPEAL (STAMP) NO. 21528 OF 2018**

Uttam Vishwanath Ghogre (Died)
Through Legal Heirs
Smt. Saraswati Uttam Ghogre
and others

.. Applicants

Versus

The Executive Engineer,
Minor Irrigation Division and others

.. Respondents

Mr. Vivek V. Tarde, Advocate for the Applicants.
Mr. Sunil V. Kurundkar, Advocate for Respondent No. 1.
Mr. S. B. Pulkundwar, AGP for Respondent Nos. 2 and 3.

CORAM : KISHORE C. SANT, J.

DATED : 27th SEPTEMBER, 2023.

P C. :-

. Heard the parties.

2. This application is by legal heirs of original claimant who died during the pendency of the appeal. The application for bringing legal heirs on record is already filed and is allowed. The applicants to correct the title clause within a period of two (02) weeks from today.

3. This application is filed for withdrawal of the amount deposited by the respondent/appellant – acquiring body in this Court. The entire amount is deposited.

4. Learned advocate for the applicants submits that, in the similar matters arising out of the same project this Court had already passed order on 20.04.2023 permitting the applicants/original claimant to withdraw the amount of 75% of the deposited amount along with interest if any accrued thereon. 50% amount was directed to be given on undertaking and 25% amount was directed to be given on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court.

5. This Court finds that, in view of similar order passed in similar matters it is desirable to allow this application. Thus, the application is allowed.

6. The applicants are permitted to withdraw 50% amount of the total amount deposited in this Court on furnishing usual undertaking. 25% amount be withdrawn on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court. Both the amounts are to be withdrawn along with interest if any accrued thereon. The applicants to furnish solvent surety/security and undertaking as indicated above within a period of four (04) weeks from today.

7. The civil application is disposed off.

(KISHORE C. SANT, J.)

PS.B.