

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

**CIVIL APPLICATION NO. 11648 OF 2023
IN
FIRST APPEAL (STAMP) NO. 21561 OF 2018**

Manohar Sitaram Ghogre

.. Applicant

Versus

The Executive Engineer,
Minor Irrigation Division and others

.. Respondents

Mr. Vivek V. Tarde, Advocate for the Applicant.

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

3. Learned advocate for the applicant submits that, in the similar matters arising out of the same project this Court had already passed order on 20.04.2023 permitting the applicant/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.

4. 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.

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to withdraw 50% amount of the total amount deposited in this Court on furnishing usual undertaking. 25% amount be withdrawn on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court. Both the amounts are to be withdrawn along with interest if any accrued thereon.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

6. The civil application is disposed off.

(KISHORE C. SANT, J.)

PS.B.