

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

**915 CIVIL APPLICATION NO.13518 OF 2023
IN FA/3570/2018**

**ABDUL SATTAR SHAIKH AHMED (DIED) THR LRS. SHAIKH KHAIRUNISA
ABDUL SATTAR AND ORS
VERSUS
THE EXE. ENGINEER, MINOR IRRIGATION DIV, OSMANABAD AND ORS**

Mr.V.V. Ingale, Advocate for the applicants.

Mr.J.R. Patil h/f. Mr. G.B. Rajale, Advocate for respondent No.1.

Mr.S.S. Dande, AGP for the respondent/State.

**CORAM : KISHORE C. SANT, J.
DATED : 04.11.2023**

PC :-

01. This application is filed seeking withdrawal of amount deposited by the appellant/acquiring body in this Court. The acquiring body has challenged the award whereby Reference Court has enhanced the amount of compensation by 5.1 times of the award of the SLAO. The appeal is yet to be admitted. However, since the amount is already deposited and stay is granted and since this Court has already passed several orders directing to withdraw 50% of the amount on usual undertaking and 25% of the amount on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court, this Court finds that in this application also similar order would meet the ends of justice. In view of the same, following order :-

ORDER

- (i) The Civil Application is partly allowed.
- (ii) The applicants/claimants shall be entitled to receive 50% of the amount deposited in this Court along with interest, if any, accrued by furnishing usual undertaking.
- (iii) The applicants/claimants shall be entitled to receive 25% of the amount deposited in this Court along with interest, if any accrued by furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court.
- (iv) The remaining amount shall be invested in the fixed deposit in any nationalized bank with periodical renewal.

02. The Civil Application stands disposed off.

[KISHORE C. SANT, J.]