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Uday S. Jagtap

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 2116 OF 2023
IN
FIRST APPEAL (ST.) NO. 25596 OF 2021**

Maruti Mandir Trust,
Through its Trustees Ashok R Wagh & Ors. .. Applicants
In the matter of
The Executive Engineer, Kadava,
Kalava (Canal) Project, Division Nashik .. Appellant
Vs.
Maruti Mandir Trust,
Through its Trustees Ashok R Wagh & Ors. .. Respondents

.....
Mr. Sachin Gite for the applicants
Ms. Chaitrali A. Deshmukh for the respondents
.....

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 27th APRIL, 2023

P.C.

1. This is an application seeking withdrawal of the amount of compensation deposited by the appellant before the Reference Court.

2. Learned Counsel for the appellant objects withdrawal of the entire amount of compensation on the ground that in case the

appeal succeeds, it would be difficult to recover the amount from the applicants.

3. Learned Counsel for the applicants submits that the applicants would furnish security to the extent of 50% of the amount of compensation and the balance 50% will be withdrawn without furnishing any security.

4. Having regard to the said aspect, the applicant is granted relief in terms of prayer clause (a).

5. The applicants are permitted to withdraw the entire amount of compensation. However, they shall furnish security to the extent of 50% of the amount deposited by the appellant in the Reference Court to the satisfaction of the Reference Court.

6. Application is disposed of.

7. List the appeal for admission on **3rd July, 2023**.

(PRITHVIRAJ K. CHAVAN, J.)