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928-CA-2258-24

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

928 CIVIL APPLICATION NO. 2258 OF 2024
IN FA/4598/2017

BASAPPA BABU LADE DEAD THR LRS LAXMIBAI AND OTHERS
VERSUS
EXECUTIVE ENGINEER MINOR IRRIGATION DIVISION, OSMANABAD

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Advocate for Applicants : Mr. V. V. Ingale
Advocate for Respondent no.1 : Mr. S. G. Sangle
AGP for Respondent nos. 2 and 3 – State : Mr. D. B. Bhange

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CORAM : Y. G. KHOBRAGADE, J.

DATE : 05.04.2024

PER COURT :

1. Heard.
2. By the present application, the applicants pray for permission to withdraw the remaining 50% of compensation amount along with interest accrued thereon. The learned counsel for the non-applicant resisted the application on the ground that in case the judgment and award is reversed, in that circumstances, it will not be possible for the acquiring body to recover said amount, hence, prayed for rejection of the application.
3. It is pertinent to note that on 09.12.2019 this Court already granted permission to the applicants to withdraw 50% of award

amount deposited by the acquiring body before this Court. The said amount has already been withdrawn however, 50% amount is lying with this Court. Therefore, the applicants seek permission to withdraw remaining 50% amount. However, considering the grounds set out in the application, the applicants are permitted to withdraw only 20% amount i.e. 50% granted earlier + 20% by this order on furnishing usual undertaking to the satisfaction of Registrar (Judicial) of this Court, along with accrued interest thereon. The remaining 30% amount shall be kept in Fixed Deposit

4. The amount be disbursed in favour of the registered power of attorney holder of Vyankat Basappa Lade (original claimant no.5) of applicant nos. 1 to 4.

(Y. G. KHOBRADE, J.)

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