



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

**43 CIVIL APPLICATION NO. 3823 OF 2024
IN FAST/10544/2021
WITH
CIVIL APPLICATION NO. 3824 OF 2024
IN FAST/10539/2021
WITH
CIVIL APPLICATION NO. 3822 OF 2024
IN FAST/10548/2021**

**ARJUN GANPAT BHAMGALE
VERSUS
THE EX. ENGINEER, WAGHUR DAM DIV. JALGAON AND ANR**

...
Advocate for Applicant : Ms. Sakshi Kale h/f Mr. Kale Ajeet B.
AGP for Respondents/State : Mrs. M.L.Sangit
Advocate for Respondent Nos. 1 & 2 : Mr. P.S. Chavan
...

AND

**44 CIVIL APPLICATION NO. 3853 OF 2024
IN FA/3261/2023
WITH
CIVIL APPLICATION NO. 3848 OF 2024
IN FA/3257/2023
WITH
CIVIL APPLICATION NO. 3849 OF 2024
IN FA/3258/2023
WITH
CIVIL APPLICATION NO. 3851 OF 2024
IN FA/3259/2023
WITH
CIVIL APPLICATION NO. 3852 OF 2024
IN FA/3260/2023
WITH
CIVIL APPLICATION NO. 3854 OF 2024**

IN FAST/11307/2021

CHUDAMAN DAMU PATIL
VERSUS
THE EX. ENGINEER, WAGHUR DAM DIV. JALGAON AND ORS

...
Advocate for Applicant : Ms. Sakshi Kale h/f Mr. Kale Ajeet B.
AGP for Respondents/State : Mrs. A.S.Mantri
Advocate for Respondent Nos. 1 & 2 : Mr. P.S. Chavan
...

CORAM : KISHORE C. SANT, J.

DATE : 09 JULY, 2024.

PER COURT :

1. These applications are filed for withdrawal of the amount deposited by the Acquiring Body in the Reference Court in respective execution proceedings.

2. Learned Advocate for the applicants produced on record the copies of orders dated 05.04.2024 and 25.06.2024 passed in Civil Application No. 3323 of 2024 along with groups of matters and Civil Application No. 3794 of 2024 along with other group respectively.

3. This Court in said orders have allowed the applicants therein to withdraw 75% of the amount on certain conditions. In view of the above, this Court is inclined to pass following order :

ORDER

- a) The applications are partly allowed and disposed off.
- b) The applicants are permitted to withdraw 50% of the amount deposited in reference Court by the Acquiring Body alongwith accrued interest on furnishing undertaking that in case the appeal is allowed, they shall re-deposit the withdrawn amount in the reference Court within twelve weeks from such judgment.
- c) 25% of the amount deposited is allowed to be withdrawn by furnishing solvent surety/security to the satisfaction of the reference Court.
- d) The reference Court to invest the remaining amount in fixed deposit in any national Bank to be renewed from time to time till disposal of the appeal.

(KISHORE C. SANT)
JUDGE