

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

**CIVIL APPLICATION NO. 7392 OF 2023
IN FA/2404/2016
WITH CIVIL APPLICATION NO. 610 OF 2015
IN FA/2404/2016 WITH X-OBJECTION NO. 161 OF
2023 IN FA/2404/2016 WITH CIVIL APPLICATION
NO. 12301 OF 2023 IN X-OBJ/161/2023
WITH CIVIL APPLICATION NO. 12302 OF 2023
IN FA/2404/2016**

DINANATH NAGNATH MAIRAN (DIED) THR LRS. VIJAY D.
MAIRAN (DIED) THR LRS. SAVITA V. MAIRAN AND ORS

VERSUS

EXE. ENGINEER, MINOR IRRIGATION DIV., OSMANABAD
AND ANR

...
Advocate for Applicants : Mr. R. V. Naiknavare
AGP for Respondents/State: Mr. V.S. Badhakh
Advocate for Respondent No.1 : Mr. S.G. Sangle
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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 19th April 2024

ORDER:-

IN CIVIL APPLICATION NO. 7392/2023

1. Heard rival submissions.
2. The applicants are seeking modification of order dated 17th January 2023, passed in Civil Application No. 13278/2022, whereby they are allowed to withdraw the remaining 60% amount of compensation, on furnishing solvent

surety/security. However, the learned counsel for the applicants now submits that, the applicants at present are seeking withdrawal of only 10% amount on undertaking, since they are not in a position to arrange for solvent sureties/securities.

3. The learned counsel for the Acquiring Body did not raise any strong objection, since the remaining amount is continued to be deposited with this Court.

4. In view of the same, instead of modifying the aforesaid order, the applicants are allowed for withdrawal of balance amount of compensation only to the extent of 10% along with the proportionate interest accrued thereon till date on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.

5. The remaining amount of compensation be kept in Fixed Deposit in any of the Nationalized Bank with yearly renewal basis, until further orders.

6. The application is accordingly disposed of.

7. The amount ordered to be withdrawn be disbursed among the applicants as per the compromise terms in Special Darkhast in 640 of 2001.

(SANDIPKUMAR C. MORE, J.)

Y.S. Kulkarni