



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

19 CIVIL APPLICATION NO. 7562 OF 2023
IN FAST/10467/2022

KAKA @ KAKASAHEB PANDURANG GARAD DIED THR LRS WATSALABAI
GARAD AND ORS

.....Petitioner

VERSUS

THE EX. ENGINEER, LIFT IRRIGATION DIV. OSMANABAD AND ORS
.....Respondent

Advocate for applicant : Mr. A.N. Nagargoje h/f. Mr. R.K. Shinganapure
AGP for Respondents 2 & 3 : Mrs. M.N. Ghanekar
Advocate for Respondent 1 : Mr. S.G. Bhalerao

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CORAM : KISHORE C. SANT, J.

Dated : July 10, 2024

PER COURT :-

1. This application is for withdrawal of amount deposited by the appellant/Acquiring Body in this Court pursuant to the judgment and award passed by the Reference Court under Land Acquisition Act.
2. The learned counsel for the applicants produced on record copy of the order dated 4.9.2023 passed by this Court in CA No. 7564/2023 in FAST No. 10445/2022 and other connected matters. This Court by the said order, permitted the applicants therein to withdraw 50% of the deposited amount along with accrued interest, subject to furnishing usual undertaking and the applicants therein were permitted to withdraw 25% of the amount on furnishing solvent surety/security to the satisfaction of the learned Registrar Judicial of this Court and balance amount was directed to be invested in fixed deposit. This position is not disputed by the learned advocate for the Acquiring Body. Hence, the following order.

ORDER

(i) The application is partly allowed. The applicants are permitted to withdraw 50% of the amount deposited by the Acquiring Body in this Court along with accrued interest on furnishing usual undertaking. 25% of the amount along with accrued interest is allowed to be withdrawn by the applicants on furnishing solvent surety/security to the satisfaction of the learned Registrar Judicial of this Court. Remaining amount be invested in fixed deposit in any nationalized bank till the disposal of the appeal. Civil Application is disposed of.

(KISHORE C. SANT, J.)

ssc/