



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

**67 CIVIL APPLICATION NO. 6184 OF 2024
IN FA/77/2023**

SAUDAGAR RATTU NAVGIRE
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, OSMANABAD

...
Advocate for Applicant : Mr. C. Patil. Laxmikant.
AGP for Respondent/State : Mr. V. S. Badakh.
Advocate for Respondent No.3 : Ms. Sunita D. Shelke.

...
AND
FIRST APPEAL NO. 77 OF 2023

EX. ENGINEER, IRRIGATION DEPARTMENT STRENGTHENING DIV.
OMERGA AND ORS
VERSUS
SAUDAGAR RATTU NAVGIRE AND OTHERS

AND
**CIVIL APPLICATION NO. 16308 OF 2022
IN FA/77/2023**

EX. ENGINEER, IRRIGATION DEPARTMENT STRENGTHENING DIV.
OMERGA AND ORS
VERSUS
SAUDAGAR RATTU NAVGIRE AND OTHERS

...
Advocate for Applicant : Ms. Sunita Dasharat Shelke.
AGP for Respondent/State : Mr. V. S. Badakh.
Advocate for Respondent Nos.1 to 3 : Mr. Laxmikant C. Patil.

...
CORAM : **KISHORE C. SANT, J.**

DATE : 17th October, 2024.

P.C.:

. Heard the learned counsel for the parties.

Application for stay:

2 Since the entire amount alongwith interest is deposited in the

office of this Court, there shall be stay to the impugned judgment and order till disposal of the appeal.

Appeal:

3 Heard.

4 **Admit.**

5 Issue notice to respondents. Mr. L. C. Patil, learned counsel waives notice on behalf of respondent Nos.1 to 3 on admission.

6 The record and proceedings be called for.

Application for withdrawal of amount:

7 The learned counsel for applicants relies on the order dated 1st July, 2024 passed by this Court in Civil Application No.6297 of 2024. This Court allowed the claimants therein to withdraw 75% of the amount on furnishing undertaking. He prays for allowing this application.

8 The application is opposed by the learned counsel for appellant. However, considering that this Court has already passed order in similar matters arising out of same acquisition proceedings, the following order is passed:-

ORDER

I. The applicants are permitted to withdraw 75% of the

amount alongwith accrued interest deposited in this Court on furnishing an undertaking that in case the appeal is allowed, the applicants shall re-deposit the amount withdrawn with interest within twelve weeks from the date of such order. The remaining amount be kept in fixed deposit in any nationalized bank till disposal of the appeal.

- II. With this, the civil application for withdrawal of amount stands disposed of.

[KISHORE C. SANT, J.]

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