



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

1012 CIVIL APPLICATION NO. 6432 OF 2024
IN FA/2608/2018

Suraj Rajesh Salunke

....Applicant

Versus

The Executive Engineer Lift Irrigation Division,
Osmanabad Thr Sub Div. Officer Mohammad
and Ors

..Respondents

.....

Mr. Nilkanth R Pawade, Advocate for Applicant

Mr. S. C. Arora, Advocate for Respondent No.1

Mrs. Vaishali N. Patil – Jadhav, AGP for Respondents No.2 & 3

.....

**CORAM : R. G. AVACHAT AND
NEERAJ P. DHOTE, JJ.**

Dated : July 26, 2024

PER COURT :-

. This is the Application for withdrawal of remaining 50% amount deposited by the Respondent No.1 / Acquiring body.

2. It is submitted by learned Advocate for the Applicant that this Court *vide* order dated 27.09.2019 in Civil Application No.11718 of 2019 in the very Appeal has permitted the Applicant to withdraw the entire 100% amount and the operative order which runs as follows:

“i. 50% of the amount deposited in this court, is allowed to be withdrawn by the applicant/claimant on furnishing undertaking to the effect that in case the decision in the first appeal is against their interest, the amount being withdrawn will be re-deposited in this court within a period of eight weeks from the date of decision and the rest of the 50% amount deposited in this court with accruals thereon is

allowed to be withdrawn on furnishing bank guarantee of a nationalized/scheduled bank.

ii. Needless to refer to that withdrawal would be subject to final decision in the first appeal.

iii. In view of above the application is disposed of.”

3. The above position is not disputed by learned Advocate for the Respondent No.1 / Acquiring Body.

4. In view of above, the Application is allowed in terms of prayer clause ‘B’ subject to furnishing bank guarantee of a Nationalized Bank.

(NEERAJ P. DHOTE, J.)

(R. G. AVACHAT, J.)

GGP