



This order is corrected as per the speaking to minute order
dated 19.12.2024

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

915 CIVIL APPLICATION NO. 8978 OF 2024
IN FA/1015/2024

RAMHARI KISHANRAO WAGH AND ORS

VERSUS

THE CHIEF ENGINEER, THE MAHARASHTRA STATE
ELECTRICITY DISTRIBUTION COMPANY LTD. AND ANR

...

Advocate for Applicant : Mr. Deshmukh Rajeev T.

Advocate for Respondent No.2 : Mr. A. S. Shelke

...

CORAM : KISHORE C. SANT, J.

DATE : 24.10.2024.

PER COURT :

WITHDRAWAL

1. This application is filed for withdrawal of the amount
by the Claimants.

2. Learned Advocate Mr. Shelke for the respondents
Acquiring Body opposed the application. He submits that the
interest under Section 28 and 34 is directed from the date of
taking actual possession i.e. from 10.12.2001 whereas, the

award is passed on 30.06.2008. The interest under Section 28 and 34 would be thus applicable which will be payable from 2008 on wards. The rate is not seriously disputed. Considering the above, this Court is inclined to pass the following order :

ORDER

(i) The applicants are permitted to withdraw 50% of the amount alongwith accrued interest deposited in this Court on furnishing usual undertaking.

(ii) Further 25% of the amount alongwith accrued interest deposited in this Court is permitted to be withdrawan on furnishing solvent surety/security to the satisfaction of the learned Registrar, (Judicial) of this Court.

(iii) After usual undertaking and solvent surety/security is furnished by the applicants to the satisfaction of the Registrar (Judicial) of this Court, the amount be remitted by the office of this Court to the learned executing Court for disbursement of it to the applicants in **LRD** No. 76 of 2023 alongwith accrued interest.

(iv) The learned Executing Court shall permit the applicant to withdraw the amount along with accrued interest from the Executing Court.

(v) The Civil Application stands allowed and disposed off.

FIRST APPEAL

1. Heard.
2. **Admit.**
3. Call R & P.
4. Learned Advocates for the respective parties waives service of notice.

**(KISHORE C. SANT)
JUDGE**

mahajansb/