



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

**81 CIVIL APPLICATION NO. 10901 OF 2024
IN FA/983/2024**

AMBADAS EKNATH SHELKE DIED THROUGH L R S AND ANR
VERSUS
THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION, JALNA AND
ORS

...
Advocate for Applicant : Mr. Durgesh Madhukar Pingale.
Advocate for Respondent Nos.1 & 2 : Mr. Suresh W. Munde.

...

AND
**CIVIL APPLICATION NO. 4022 OF 2023
IN FA/983/2024**

THE EX. ENGINEER, MINOR IRRIGATION DIV. JALNA AND ORS
VERSUS
AMBADAS EKNATH SHELKE

...
Advocate for Applicant : Mr. Suresh Walmikrao Munde.
Advocate for Respondent : Mr. Durgesh M. Pingale.

...

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

DATE : 17th October, 2024.

P.C.:

. Heard the learned counsel for the parties.

Application for stay:

2 Since the amount is already deposited by the appellant in this Court, there shall be stay to the impugned judgment and order till disposal of the appeal.

Appeal:

3 Heard.

4 **Admit.**

5 The record and proceedings be called for.

Application for withdrawal of amount:

6 This application is for withdrawal of the amount deposited in this Court by the appellant/acquiring body. The amount is of compensation towards acquisition of the landed property. The learned counsel for the applicants has brought on record a copy of order dated 8th March, 2024 passed by this Court in Civil Application No.2555 of 2024, wherein this Court had permitted the applicants therein to withdraw the entire amount. The learned counsel for the respondent/appellant excepts that the said application was filed in the first appeal arising out of the same acquisition proceedings, out of which the present appeal is filed. Considering the above, 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 usual undertaking. The remaining 25% of the amount with accrued interest is allowed to be withdrawn on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this Court.

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

[KISHORE C. SANT, J.]

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