



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

**926 CIVIL APPLICATION NO. 10752 OF 2024
IN FA/3605/2022**

PRALHAD ARJUN KUNDGIR

VERSUS

THE EX. ENGINEER, MIN. IRRI. DIV. PARBHANI AND ORS

WITH

**CIVIL APPLICATION NO. 10757 OF 2024
IN FA/3609/2022**

RAMPRASAD S/O ARJUN KUNDGIR

VERSUS

THE EX. ENGINEER, MIN. IRRI. DIV., PARBHANI AND ORS

WITH

**CIVIL APPLICATION NO. 10758 OF 2024
IN FA/3606/2022**

SUMITRABAI W/O. ARJUN KUNDGIR

VERSUS

THE EX. ENGINEER, MIN. IRRI. DIV., PARBHANI AND ORS

WITH

**CIVIL APPLICATION NO. 10753 OF 2024
IN FA/3608/2022**

GOVIND S/O SURYABHAN KEJGIR

VERSUS

THE EX. ENGINEER, MIN. IRRI. DIV. PARBHANI AND OTHERS

WITH

**CIVIL APPLICATION NO. 10755 OF 2024
IN FA/3607/2022**

KUSHAVARTAI W/O. BHASKAR SHENDGE

VERSUS

THE EX. ENGINEER, MIN. IRRI. DIV. PARBHANI AND OTHERS

WITH

**CIVIL APPLICATION NO. 10754 OF 2024
IN FA/3610/2022**

USHATAI W/O. MANKRADWAJ POLE

VERSUS

THE EX. ENGINEER, MIN. IRRI. DIV. PARBHANI AND ORS

WITH

**CIVIL APPLICATION NO. 10756 OF 2024
IN FA/3611/2022**

ARJUN RAMRAO KUNDGIR (DIED) LRS. SOMITRABAI W/O. ARJUN KUNDGIR

VERSUS

THE EX. ENGINEER, MIN. IRRI. DIV. PARBHANI AND ORS

Mr.Mahesh P. Kale,Advocate for the applicants.

Mr.Ruturaj Patil, Advocate for respondent No.1-Acquiring Body.

Mr.P.D. Patil, AGP for the respondent-State.

CORAM : KISHORE C. SANT, J.**DATE : 18.10.2024****PC :-**

01. These Civil Applications are filed for second time for withdrawal of the amount by the original claimants-respondents. Learned Advocate Mr. Kale submits that this Court has already allowed the applicants to withdraw 50% of the amount deposited in this Court; 25% amount on furnishing undertaking and 25% amount on furnishing solvent surety. He submits that thereafter this Court in another matter i.e. CA No.16254 of 2022 in FA No. 979 of 2022 allowed the applicant therein to withdraw 75% of the deposited amount only on furnishing usual undertaking. He submits that both these applications are arising out of same acquisition proceedings. He, therefore, prays that the present applicants be allowed to withdraw further 25% of the amount on furnishing security/surety.

02. Learned Advocate Mr. Patil vehemently opposes these applications. He submits that while granting withdrawal of 50%, this

Court has considered the matter on merit and has passed speaking order. This Court while allowing the earlier applications has also considered prima facie case and it is only thereafter the order was passed. He further submits that though order dated 12.08.2022 was available, order in CA No. 16254 of 2022 was passed. Earlier order was not pointed out and the order dated 06.12.2022 came to be passed. The order dated 06.12.2022 is, therefore, not of any use to the present applicants. He thus prays for rejection of present applications.

03. After hearing the parties and on going through the applications, this Court finds that no any special circumstances are made out to consider the applications of the applicants for second time when already there is elaborate order passed on 12.08.2022. This Court is, therefore, not inclined to interfere in the present applications.

04. The applications, therefore, stand rejected.

05. Place the first appeals on Board dated 05.12.2024, if the record and proceeds are already received.

[KISHORE C. SANT, J.]