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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

2 CIVIL APPLICATION NO. 5209 OF 2024
IN FAST/26866/2021

AND

CIVIL APPLICATION NO. 4062 OF 2022
IN FAST/26720/2021

AND

CIVIL APPLICATION NO. 4063 OF 2022
IN FAST/26720/2021

AND

CIVIL APPLICATION NO. 4064 OF 2022
IN FAST/26863/2021

AND

CIVIL APPLICATION NO. 4065 OF 2022
IN FAST/26863/2021

AND

CIVIL APPLICATION NO. 4066 OF 2022
IN FAST/26866/2021

AND

CIVIL APPLICATION NO. 4067 OF 2022
IN FAST/26866/2021

AND

CIVIL APPLICATION NO. 5210 OF 2024
IN FAST/26720/2021

AND

CIVIL APPLICATION NO. 5208 OF 2024
IN FAST/26863/2021

DAGADU VIRUBA VAIDYA (DIED) THR LRS. BALU DAGADU
VAIDYA AND ANOTHER

....Applicants

VERSUS

THE EXECUTIVE ENGINEER, MED. PRO. OFFICE NO. 2,
OSMANABAD AND ORS

.....Respondents

Mr. P. B. Kulkarni, Advocate h/f Mr. R. V. Deshmukh, Advocate
for the applicants

Mr. K. S. Patil, AGP for the respondents/State

Mrs. Vaishali S. Swami, Advocate h/f Mr. M. C. Swami, Advocate
for the respondent No.1

CORAM : KISHORE C. SANT, J.

DATE : 28th NOVEMBER, 2024

P. C.

WITHDRAWAL

1. This application is filed for withdrawal of the amount deposited by the appellant in this court.

2. The learned advocate for the applicant relies on the order passed by this court dated 12-07-2024 in CA/5184/2024 and other connected matters. It is submitted that said civil application also arose from the same acquisition proceeding.

3. The learned advocate for the respondent has objected to allow the application.

4. Considering that, following order:

ORDER

- a] The application stands allowed.
- b] The applicants are permitted to withdraw 50% of the amount deposited in the office of this court alongwith accrued interest on furnishing usual undertaking. Further 25% of the amount is allowed to withdraw with accrued interest on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this court. Remaining amount be kept in a fixed deposit in any nationalized bank till disposal of the appeal.
- c] The application stands disposed off.

DELAY

1. Heard.

2. For the reasons stated in the application, the delay stands condoned. The application stands allowed.

3. Office to register the appeal.

APPEAL

1. Issue notice to the respondents, returnable on 30-01-2025. Mr. Deshmukh, learned advocate waives service of notice for the respondent No.1. The learned AGP waives service of notice for the respondents/State

STAY

1. Since the amount is already deposited in the office of this court, there shall be stay to the impugned judgment and award till disposal of the appeal.

[KISHORE C. SANT, J.]