



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 6322 OF 2023  
IN FA/1274/2021

Bala Laxman Kanfate And Ors

....Applicants

**VERSUS**

The Ex. Engineer, Minor Irrigation Div. No. 1  
Aurangabad And Anr

....Respondents

.....

Advocate for Applicant : Mr. Shaikh Kayyum Najir

Advocate for Respondent No.1 : Mr. P.G.Rodge

Advocate for Respondent No.2 : Mrs. R. R. Tandale

.....

**CORAM : S. G. MEHARE, J.**

**DATE : 25.01.2024**

**PER COURT :**

1. Heard the learned counsel for the applicants, learned counsel for respondent No.1 and learned AGP for Respondent No.2.
2. This is an application for withdrawal of the amount. The respondent No.1 Acquiring Body has deposited the entire amount. The learned counsel for the applicants submitted that in similarly situated matter 70% percent of the amount was allowed to be withdrawn.
3. The learned counsel for the respondent No.1 has strongly opposed the application. He would submit that the enhancement is

exorbitant, therefore applicants should not be allowed to withdraw the amount.

4. This Court in similarly situated matter by order dated June 7, 2017 allowed to withdraw 70% of the deposited amount with an undertaking. Hence, the order :-

**ORDER**

- (i) The application is allowed.
- (ii) The applicants are allowed to withdraw 70% of the amount deposited on undertaking that they would re-deposit the amount, if, the judgment and award is reversed.
- (iii) The balance amount be deposited in fixed deposit in any nationalized bank as per the rules.
- (iv) The applicants shall receive the money in equal share.

**( S. G. MEHARE )**  
**JUDGE**

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