

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.245 OF 2024  
IN  
FIRST APPEAL STAMP NO.25228 OF 2021**

Subhash Yashawnt Wagh & Ors. ..Applicants

**IN THE MATTER BETWEEN**

Executive Engineer,  
Kadava Kadava (Cannel) Project, Nashik ..Appellant

Versus

Subhash Yashawant Wagh & Ors. ..Respondents

Ms. Chaitrali A. Deshmukh, for the Appellant.  
Mr. Sachin Gite, for the Respondent/Applicant.  
Mr. A. R. Patil, AGP for the Respondent/State.

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

**DATE : 11<sup>th</sup> JANUARY, 2024**

**PC.**

1. This application is for withdrawal of the amount of Rs.31,22,457/- deposited by the Appellant before the learned Trial Court along with interest accrued, if any, thereon.

2. These Applicants are claimants in whose favour the judgment and award is passed by the learned Reference Court enhancing the amount of compensation.

3. The Appellant/acquiring body has filed Appeal challenging enhancement as awarded. The acquiring body pursuant to the direction has also deposited the entire amount of compensation along with interest in Reference Court. Since the amount is lying idle, it would not be interest of parties to keep it lying in the Court. Learned advocate for the Applicants also produced on record a copy of the order passed by this Court in similar matter, wherein this Court had allowed the application bearing IA No.13838/2023 and allowed the Applicant to withdraw the entire amount by furnishing security to the extent of 50% of the amount.

4. In view of the same, this Application is allowed.

5. Applicants are permitted to withdraw 50% amount on furnishing undertaking that in case the Appeal is allowed, Applicants would redeposit the amount within six months thereafter. Remaining amount of security subject to furnishing security to the satisfaction of the Reference Court.

6. The Application stands allowed and is disposed of.

**[KISHORE C. SANT, J.]**