



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**906 CIVIL APPLICATION NO. 972 OF 2025
IN FA/1143/2021**

VISHWAMBHAR DADARAO NAIKNAWARE DIED THR LRS
BALAJI AND ORS

....Applicant

VERSUS

THE EXECUTIVE ENGINEER OSMANABAD MINOR
IRRIGATION DIVISION AND ORS

.....Respondent

.....
Advocate for Applicant : Mr. P. B. Rakhunde
Advocate for Respondent No.1 : Mr. B. R. Survase.
AGP for Respondent / State : Mr. D. J. Patil.
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**CORAM : SANJAY A. DESHMUKH, J.
DATED : 23rd JANUARY 2025**

PER COURT :-

1. This is an application for permission to withdraw the amount deposited in this Court as per the judgment and award of the Reference Court.
2. Heard the learned counsel for the parties.
3. Learned Advocate for the applicants submits that already 40% amount is withdrawn as per the order of this Court dated 24th February, 2017, passed in Civil Application No.1886 of 2017. He

pointed out the order passed by this Court in Civil Application No.11779 of 2017, dated 14th September, 2017. In the said application, this Court permitted the claimants therein to withdraw an amount to the extent of 50% with accrued interest thereon on filing usual undertaking and 25% amount with accrued interest thereon on furnishing solvent surety. The remaining 25% amount was directed to be invested in FDR in any nationalized bank.

4. In view of the above, this application deserves to be allowed on the same terms and conditions. Hence, the application is allowed. In addition to earlier 40% amount, the Registry is directed to pay 35% more amount to the legal representatives of the claimant on furnishing solvent surety to the satisfaction of the Registrar (Judicial) of this Court. The remaining amount be kept in fixed deposit / FDR in any nationalized bank, till the adjudication of the appeal.

5. It is clarified that this 35% amount includes the 15% amount, which is not withdrawn, though it was permitted earlier by order dated 19.07.2021 passed in civil application No. 6342 of 2021.

(SANJAY A. DESHMUKH, J.)