



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

**927 CIVIL APPLICATION NO. 1371 OF 2025
IN FAST/24078/2021**

SURESH UTTAM KSHIRSAGAR AND ANR

VERSUS

**THE EX. ENGINEER, MINOR IRRIGATION DIV. OSMANABAD AND
ANR**

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Mr. Wakure Sanjay A, Advocate for Applicants

Mr. R. D. Raut, AGP for Respondent-State

Mr. Pratap G. Rodge, Advocate for Respondent No.1

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 07/02/2025.

P. C. :

1. Leave to correct the name of respondents / claimants by the appellant acquiring boy in the main appeal.
2. Heard rival submissions.
3. The applicants are seeking withdrawal of the entire amount of compensation, which has been deposited by the acquiring body alongwith the interest accrued thereon.
4. The learned counsel for the acquiring body though opposed the application for want of verification of earlier order, but record shows that one of the applicants in this application, had already preferred Civil Application No.237 of 2023 for withdrawal of amount and this court at the relevant time had granted him to withdraw 75% of the total compensation. However, the said application was filed by only one

applicant and thereafter the learned counsel for the applicants amended the award and added applicant No.2 Anant Uttam Kshirsagar as the claimant. Thus, it appears that both these applicants are entitled to withdraw the amount in view of earlier order dated 10/01/2023.

5. In view of the same, the applicants are permitted to withdraw 75% of the deposited amount of compensation i.e. 50% on usual undertaking and 25% on furnishing solvent surety / security / bank guarantee in the like amount, alongwith the proportionate interest accrued thereon till date.

6. The remaining amount be kept in FDR in any nationalized Bank on yearly renewal basis till final disposal of this appeal.

7. The civil application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)