



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

**CIVIL APPLICATION NO. 3028 OF 2025
IN FA/2591/2024**

RUPSINGH PHULSINGH GUSINGE AND ANR

VERSUS

EXECUTIVE ENGINEER MINOR IRRIGATION AND ORS

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Advocate for Applicants : Mr. Shubham Dattatraya Jayabhar

AGP for Respondent No.2 : Mr. B.A. Shinde

Advocate for Respondent No.1 : Mr. Suresh Walmikrao Munde

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CORAM : SHAILESH P. BRAHME, J.

DATE : 16th JUNE 2025

PER COURT :

. The Applicants are praying for withdrawal of amount of Rs.1,19,10,712/- with accrued interest, deposited by the Respondent-Acquiring Body in this Court. It is contended that vide order dated 25.10.2024, Applicants were permitted to withdraw 50% of amount of Rs.22,34,572/- on furnishing undertaking and further 25% with accrued interest on furnishing solvent surety/security. Before the amount so permitted to be withdrawn could be disbursed, an apparent error is brought to the notice.

2. A communication dated 15.10.2024 is placed on record to indicate that while granting compensation towards food bearing trees to the tune of Rs.7,95,224/-, a typographical mistake crept in. Applicants was awarded compensation of Rs.79,542/-. Due to this mistake, Respondent-Acquiring Body deposited Rs.1,57,05,806/- instead of 1,19,10,712/-.

3. Both Counsels appearing for the parties do not dispute this position.

4. Under these circumstances, instead of permitting the Applicants to withdraw the amount in pursuance of order dated 25.10.2024, it would be desirable to disburse Rs.1,19,10,712/-.

5. Civil Application is allowed by permitting the Applicants to withdraw 50% of Rs.1,19,10,712/- alongwith interest on furnishing usual undertaking and further 25% alongwith accrued interest on furnishing solvent surety/security to the satisfaction of learned Registrar (Judicial) of this Court.

6. Balance amount out of Rs.1,19,10,712/- shall be invested in the Nationalized Bank till final disposal of the appeal.

7. The difference of the amount deposited i.e. Rs.1,57,05,806/- and Rs.1,19,10,712/- shall be disbursed to the Respondent-Acquiring Body.

SHAILESH P BRAHME
JUDGE

NATEEB..