



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

**CIVIL APPLICATION NO. 3412 OF 2024
IN FA/1620/2013**

**SARVOTTAM MADHAVRAO AMBEGAOKAR DIED THR.
LRS UJWALA S. AMBEGAONKAR AND ORS**

VERSUS

THE EXECUTIVE ENGINEER LATUR MED PROJECT DIVN LATUR

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Advocate for Applicants : Mr. Bhavthankar Vivek Vasantrao
Advocate for Respondent No.1 : Mr. S.C.Arora
AGP for Respondents/State : Mrs. Ashlesha S. Deshmukh

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CORAM : SHAILESH P. BRAHME, J.

DATE : 17th APRIL 2025

PER COURT :

. Applicants are claiming permission to withdraw the amount deposited in this Court. Respondent/Acquiring Body had preferred First Appeal while granting stay to the operation and execution of the award under challenge. Respondent was directed to deposit entire amount of compensation. Accordingly amount of Rs.73, 87, 317/- was deposited.

2. Applicants were permitted to withdraw 50% of the amount vide order dated 13.09.2019 passed in separate application which was disposed of. Now the Applicants are praying for withdrawal of balance amount with accrued interest, for the reasons stated in the application.

3. Learned Counsel for the Respondent No.1 submits that

Respondent No. 1 is ready to work out the appeal finally. Already Applicants were permitted to withdraw 50% of the amount. If the appeal is allowed, it would be very difficult to recover the amount.

4. Previously Applicants were permitted to withdraw 50% of the amount on furnishing undertaking. The balance amount is still with the Registry of this office. It transpires from record that award of 29.06.2009 passed by the Reference Court is challenged by the Respondent belatedly. The delay was condoned and later on First Appeal was registered. Considering overall circumstances of the matter, I deem it appropriate to permit the Applicants to withdraw 60% of the balance amount with accrued interest on furnishing undertaking. Hence I pass following order :

ORDER

(i) The Civil Application is allowed and the Applicants are directed to withdraw 60% of the balance amount with accrued interest on furnishing undertaking.

**SHAILESH P BRAHME
JUDGE**

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