



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

929 CIVIL APPLICATION NO. 3857 OF 2025
IN FA/1144/2021

Mahadeo Narhari Naiknaware Died
Through Lrs Mangal Vikram Naiknaware And OrsApplicants

VERSUS

Executive Engineer Osmanabad Minor
Irrigation Division Osmanabad Under G M I D C
Aurangabad And OrsRespondents

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Mr. Rakhunde Pravin B, Advocate for Applicants
Mr. B. R. Surwase, Advocate for Respondent No.1
Mr. D. J. Patil, AGP for Respondent Nos.2 and 3

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CORAM : NEERAJ P. DHOTE, J.
DATE : 04.04.2025

PER COURT :

1. This is an Application filed by the Original Claimants to withdraw the remaining amount deposited by the Acquiring Body with this Court along with accrued interest.

2. It is submitted by the learned Advocate for the Applicants that, this Court, in connected Civil Application No.976/2025 in First Appeal No.1145/2021 by order dated 24/01/2025, permitted the Claimants therein to withdraw 35% of the remaining amount. Therefore, he submits that, similar order be passed in this Application.

3. Though the Application is opposed by the learned Advocate for the Acquiring Body and the learned AGP for the Respondents – State, they do not dispute the said order, by which, similarly

situated Claimants are permitted to withdraw 35% of the amount deposited by the Acquiring Body.

4. The Applicants / Claimants were permitted to withdraw 40% of the amount deposited by the Acquiring Body by order dated 21/04/2017 passed in Civil Application No.3350/2017 in First Appeal [ST] No.19849/2014. As similarly situated Claimants are permitted to withdraw 35% amount out of the remaining amount on furnishing solvent surety / security, the Applicants herein are permitted to withdraw 35% amount from the remaining amount deposited by the Acquiring Body along with accrued interest thereon on furnishing solvent surety / security to the satisfaction of the Registrar [Judicial] of this Court.

5. Civil Application stands disposed off accordingly.

[NEERAJ P. DHOTE, J.]

Sameer/April-2025