



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

**923 CIVIL APPLICATION NO. 3782 OF 2025
IN FA/139/2019**

Kashnath Sheku Gaikwad
Died Thr Lrs Subhash Died
Thr Lrs Laxmi And Ors.

.... Applicants

VERSUS

The G.m.i.d.c, Aurangabad
Thr The Ex. Engineer (p.t And Miw No.1)
Osmanabad And Ors.

.....Respondents

.....
Mr. Wakure Sanjay A, Advocate for Applicants
Mr. P. R. Tandale, Advocate for Respondent No.1
Mr. D. J. Patil, AGP for Respondent Nos.2 and 3 – State

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

PER COURT :

[I] IN CIVIL APPLICATION NO. 3782/2025 :-

1. This is an Application filed by the Applicants - Claimants for withdrawal of the amount deposited by the Acquiring Body in this Court along with interest accrued thereon.

2. It is submitted by the learned Advocate for the Claimants that, this Court, by order dated 13/03/2023 passed in Civil Application No.3186/2023, has permitted the Claimants therein to withdraw 75% of the amount on furnishing usual undertaking to the satisfaction of the Registrar [Judicial] of this Court and remaining amount is directed to be deposited in FDR in any Nationalized Bank on yearly renewal basis till final disposal of the Appeals.

3. The learned Advocate for the Applicants submits that, similar order be passed in this Application.

4. The learned Advocate of the Acquiring Body does not dispute the aforesaid aspects.

5. In this view of the matter, the Application is allowed. The Applicants are allowed to withdraw 75% of the amount deposited by the Appellant – Acquiring Body alongwith proportionate interest accrued thereon till date on usual undertaking to the satisfaction of the Registrar [Judicial] of this Court. The remaining amount be kept in FDR in any Nationalized Bank on yearly renewal basis till disposal of this Appeal.

6. Civil Application stands disposed off accordingly.

[II] IN FIRST APPEAL NO.139/2019 :-

7. Both the sides submit that, the Appeal is yet to be admitted.

8. **Admit.**

9. Record and Proceedings with Paper-book are already received.

[NEERAJ P. DHOTE, J.]

Sameer/April-2025