



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

**926 CIVIL APPLICATION NO. 3845 OF 2025
IN FAST/28273/2022**

Raosaheb Sandipan Bankar

....Applicant

VERSUS

The Executive Engineer Irrigation

Division Osmanabad Dist Osmanabad And Anr. Respondents

.....

Mr. Naiknavare Ramesh Vitthal, Advocate for Applicant

Ms. Ranjana D. Reddy, Advocate for Respondent No.1

Mr. D. J. Patil, AGP for the Respondent No. 2 – State

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CORAM : NEERAJ P. DHOTE, J.

DATE : 04.04.2025

PER COURT :

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

2. Issue notice to the Respondents. The learned Advocate Ms.Ranjana Reddy waives service of notice for Respondent No.1 and the learned AGP waives service of notice for Respondent No.2.

3. It is submitted by the learned Advocate for the Applicant / Claimant that, the Acquiring Body has deposited the entire amount in this Court and therefore, he be permitted to withdraw 50% of the amount as is done in connected Civil Application No.689/2024 in Fist Appeal [ST] No.28276/2022 along with connected Applications/Appeals.

4. The Application is opposed by the learned Advocate for Respondent No.1 - Acquiring Body and the learned AGP for the Respondent No.2 - State. However, they do not dispute that, this Court, in similar matters, has allowed the Applicants therein to withdraw 50% of the deposited amount by the aforesaid order.

5. In this view of the matter, the Application is partly allowed in terms of the said order dated 19/01/2024, passed in Civil Application No.689/2024 in First Appeal [ST] No.28276/2022 along with connected Applications/Appeals. The operative part of the said order, which reads as under :-

- “(i) The applications are partly allowed.
- (ii) The applicants are allowed to withdraw 50% of the deposited amount along with accrued interest thereon out of which 25% of the amount be released on the undertaking that they will deposit the amount if the award is reversed and remaining 25% be released on the executing security / surety to the satisfaction of the learned Registrar (Judicial) of this Court.
- (iii) The remaining balance amount be deposited in fixed deposit in any Nationalized bank as per the usual mode.”

6. Civil Application is disposed off accordingly.

[NEERAJ P. DHOTE, J.]

Sameer/April-2025