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

25 CIVIL APPLICATION NO. 6659 OF 2025 IN FAST/2663/2021

Dattatray S/o Dhulaji Shekade And Others

VERSUS

The M.K.V.D.C., Through Ex. Engineer, Medium Project.
Osmanabad And Another

AND

CIVIL APPLICATION NO. 6660 OF 2025 IN FAST/2925/2021

Appa Rambhau Waman (Died)

Through L.Rs. Mahadeo Appa Waman And Others

VERSUS

The M.K.V.D.C., Through Ex. Engineer, Medium Project.
Osmanabad And Another

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Mr. Shashikant E. Shekade, Advocate for Applicants

Mr. A.M. Gaikwad, Advocate for Respondent No.1

Ms. S.S. Dande, AGP for Respondent No.2

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CORAM : ABHAY S. WAGHWASE, J.

DATED : 07 JULY, 2025

PER COURT :-

1. The present applications are filed for withdrawal of compensation amount deposited by respondent no.1 / acquiring body.

2. Mr. Shekade, learned counsel for the applicants/claimants, submits that, by order dated 04.02.2021 passed in CA/1734/2021 in FAST/2677/2021 and connected matters, this Court (Coram: V.L. Achliya, J.) directed the acquiring body to deposit 50% of the amount awarded in the respective appeals. He further submits that the acquiring body had initially deposited approximately 32% amount, which was subsequently

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withdrawn by the applicants/claimants. Now, the acquiring body has deposited the remaining amount out of the 50%. Therefore, the learned counsel seeks permission to withdraw the same.

3. The learned AGP, as well as the learned counsel for the acquiring body, have raised an objection to the withdrawal of the remaining amount on the ground that the applicants/claimants have already withdrawn a portion of the amount earlier.

4. On perusal of the earlier orders including the order dated 04.02.2021 passed in the matter, it appears that the acquiring body has deposited only 50% of the awarded amount, and the remaining 50% is yet to be deposited. In view of the same, I proceed to pass the following order:

ORDER

(I) The applicants/claimants are permitted to withdraw the remaining amount of compensation deposited in this Court along with the interest accrued thereon, on furnishing usual undertaking to the satisfaction of the Registrar (Judicial).

(II) The amount shall be disbursed to the applicants/claimants as per the apportionment mentioned in paragraph 15 of the applications.

(II) Civil Applications are accordingly disposed of.

**ABHAY S. WAGHWASE,
JUDGE**