



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

**30 CIVIL APPLICATION NO. 6833 OF 2024
IN FA/334/2016
WITH
CIVIL APPLICATION NO. 6831 OF 2024
IN FA/335/2016
WITH
CIVIL APPLICATION NO. 6832 OF 2024
IN FA/336/2026**

**SYED MUSA BEGU
VERSUS
THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION
NO.1, AURANGABAD AND ORS**

...
Advocate for Applicants : Mr. Ansari Asfia Nuzhat
Advocate for Respondent No. 1 : Mr. Ranjana D. Reddy
AGP for Respondent Nos. 2 & 3/State : Mr. S.B.Jadhav
...

CORAM : KISHORE C. SANT, J.

DATE : 17.07.2025.

PER COURT :

1. At the outset the learned Advocate for the applicants seeks leave to correct the name of the applicants in Civil Application Nos. 6831 of 2024 in First Appeal No. 335 of 2016 and Civil Application No. 6832 of 2024 in First Appeal No. 336 of 2016, by deleting their Surnames as Shaikh. Leave granted.
2. Amendment be carried out forthwith.

3. All these Civil Applications are filed for withdrawal of remaining 25% amount i.e. lying in this Court deposited by the respondent/appellant.

4. This Court by order dated 09.08.2017 was pleased to allow the applicants to withdraw 50% of the deposited amount, on furnishing usual undertaking and 25% of the amount on furnishing one solvent surety in the like amount, to the satisfaction of the learned Registrar, (Judicial) of this Court.

5. Remaining 25% of the amount deposited was directed to be kept in Fixed Deposit in any Nationalized Bank, initially for a period of one year and to be renewed from time to time till disposal of the appeal on merit.

6. Learned Advocate points out that in similar matters this Court has permitted even the remaining amount to be withdrawn on furnishing security. She relies on the order dated 21.12.2021, passed in Civil Application No. 12629 of 2021 in First Appeal No. 1038 of 2025.

7. The learned Advocate for respondents Acquiring Body vehemently opposes the applications. She submits that if the entire amount is allowed to be withdrawn, it would be difficult to recover the amount, in case the appellant is succeeded in appeal.

8. Considering the above, this Court finds that the amount is lying idle and it is not in the interest of any one. The applicants are, therefore, allowed to withdraw remaining 25% with accrued interest of the amount deposited on furnishing solvent surety/security to the satisfaction of the learned Registrar, (Judicial) of this Court with accrued interest.

9. With this the Civil Applications are disposed off.

**(KISHORE C. SANT)
JUDGE**

mahajansb/