



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

**922 CIVIL APPLICATION NO. 5237 OF 2022
IN FA/1866/2017**

ARJUN KRISHNA MAGAR (DIED) THR LRS
JAGANNATH AND OTHERS

VERSUS

THE EXECUTIVE ENGINEER, IRRIGATION PRO.,
MAJBUTIKARAN DIV., OMERGA AND OTHERS

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Advocate for Applicant : Mr. Vivek B. Deshmukh.

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

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CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 09th January, 2025.

P.C.:

1 Heard the learned counsel for the parties.

2 This application is for withdrawal of the amount deposited by the appellant in this Court. The learned counsel for the applicants placed reliance on the order dated 16th July, 2021 passed by this Court in Civil Application No.2744 of 2020. He submits that the said proceedings are arising out of the same acquisition proceedings.

3 The application is opposed by the learned counsel for appellant. However, considering that this Court has already passed order in similar matters arising out of same acquisition proceedings, the following order is passed:-

ORDER

- (I) Civil application is partly allowed.
- (II) The applicants are permitted to withdraw 50% of the deposited amount under award, on furnishing an undertaking to the satisfaction of the Registrar (Judicial) of this Court.
- (III) The applicants are also permitted to withdraw further 10% of the amount on submitting solvent surety/security/bank guaranty in the like amount.
- (IV) Balance 40% amount be invested in fixed deposit in any nationalized bank for the period till disposal of appeal.
- (V) Civil application stands disposed of accordingly.

[SANJAY A. DESHMUKH, J.]

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