



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

904 CIVIL APPLICATION NO. 7774 OF 2024
IN FA/1822/2024

Pandurang Parashuram Bandpatte (dead) Thr Lrs Bharatbai
And Ors

VERSUS

The State Of Maharashtra Thr. Collector Osmanabad And Ors.

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Advocate for Applicant : Ms. Laxmi R. Thakur h/f Mr.L C Patil

AGP for Respondents: Mr. V S Badakh

Mr. R.P. Adgaonkar h/f Mr. S.G. Bhalerao advocate for R-3

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WITH

CIVIL APPLICATION NO. 345 OF 2021 IN FA/1822/2024

with

FA 1822/2024

The Executive Engineer Irrigation Project Strengthening
Division, Omerga, and others.

Versus

Pandurang Parashuram Bandpatte (dead) Thr Lrs Bharatbai
And Ors

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Mr. R.P. Adgaonkar h/f Mr. S.G. Bhalerao advocate appellant

AGP for Respondents: Mr. V S Badakh

Advocate for respondents. : Ms. Laxmi R. Thakur h/f Mr.L C
Patil

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : January 22, 2025

PER COURT :-

1. Heard learned advocates appearing for the
respective parties.

2. The applicants seek withdrawal of the amount
deposited by the respondent acquiring body in pursuance to

the Award passed by the Reference Court. The applicant has produced copy of the order dated 13.8.2024 passed in CA No.8438 of 2024 in FA No.3922 of 2022 and submit that this Court permitted withdrawal of 50% amount on undertaking and 25% amount on furnishing solvent security/surety to the satisfaction of the Registrar (J). The same course maybe followed in this case.

3. Learned advocate appearing for the respondents accepts that order refereed is arising out of the same award and do not dispute that the same course can be followed.

4. In that view of the matter, the application is partly allowed. The applicants are permitted to withdraw 50% of the amount deposited in this Court alongwith the accrued interest on furnishing usual undertaking. The applicants are permitted to withdraw additional 25% amount alongwith accrued interest on furnishing solvent security/surety to the satisfaction of the Registrar (Judicial) of this Court. Balance 25% amount be invested in Fixed Deposit in any Nationalized Bank to be renewed from time to time till final disposal of the appeal. Application stands **disposed of**.

CA for Stay :-

5. Heard learned advocates appearing for the parties.

6. The applicant has deposited entire amount as per award passed by the Reference Court with the Registry of this Court . Hence, application is **allowed**. The impugned judgment

and award passed in LAR No.2801 of 2014 dated 21.5.2018 shall remain stayed pending the appeal.

First Appeal No.1822 of 2024

7. Heard.
8. **Admit.** Learned advocate appearing for the original claimants waives notice.
9. Print and paper book stands dispensed with.

(S. G. CHAPALGAONKAR, J.)

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