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54-CA-9546-2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

54 CIVIL APPLICATION NO. 9546 OF 2025
IN FA/4182/2023

Shaikh Ahmad Farid Shaikh And Ors.

VERSUS

The Ex. Engineer, Irrigation Strengthening Div. Omeraga And Others

WITH

CIVIL APPLICATION NO. 153 OF 2021
IN FA/4182/2023

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Mr. Namdev D. Kendre h/f Mr. V. B. Deshmukh, Advocate for Applicants.
Mr. Mukul Kulkarni, Advocate for respondent in CA/153/2021.

CORAM : KISHORE C. SANT, J.

DATE : 29th SEPTEMBER 2025.

PC :-

1. Heard the learned Advocates for the parties.
2. This application is filed for withdrawal of the amount deposited by the Appellant-Acquiring Body in the office of this Court. The total amount is of Rs.24,45,858/- as deposited by the respondent.
3. The learned Advocate for the applicants relies upon the order

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passed by this Court in Civil Application No.5023/2023 in First Appeal No.1858/2017 dated 10th January 2025 arising out of same acquisition proceeding.

4. The application is vehemently opposed by the learned Advocate for the respondent.

5. However, since this Court has already passed an order in a similar matter, this court finds that it would be in the interest of justice to allow the present application. Sufficient care can be taken on the interest of the appellant-acquiring body. Hence, the following order:

ORDER

- (i) Application stands allowed.
- (ii) The applicants are permitted to withdraw 50% of the amount deposited in the office of this Court, alongwith accrued interest, on furnishing usual undertaking.
- (iii) Further 25% of the amount, alongwith accrued interest, is allowed to be withdrawn on furnishing solvent surety/security to the satisfaction

of the learned Registrar (Judicial) of this Court.

(iv) The remaining amount be deposited in a Fixed Deposit in any nationalized bank till final disposal of the appeal.

(v) With this, civil application stands disposed off.

STAY APPLICATION

6. Since already the amount is deposited in the office of this Court by the appellant-acquiring body, there shall be stay to the impugned judgment and award till final disposal of the appeal.

7. With this, civil application stands disposed off.

FIRST APPEAL

8. Heard.

9. Admit.

10. Call for record and proceedings.

11. Learned Advocate Mr. Deshmukh waives service of notice for claimant.

[KISHORE C. SANT, J.]