



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

928 CIVIL APPLICATION NO. 8962 OF 2025
IN FA/1284/2021

ASHOK SUDAM LOKRE AND ORS
VERSUS
THE EXECUTIVE ENGINEER IRRIGATION DIVISION BEED AND
ANOTHER

...
Advocate for Applicants : Mr. R. G. Hange
AGP for Respondent No.2 : Mr. S. P. Joshi
Advocate for Respondent No.1 : Mr. S. W. Munde
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CORAM : ABHAY S. WAGHWASE, J.
DATED : 14 OCTOBER 2025

PER COURT :-

1. The original claimants, who are respondents in First Appeal, have filed this application seeking withdrawal of amount as per prayer clause “B”, which reads as under :

“B] This Hon’ble Court be pleased to permit the applicants to withdraw 25% amount deposited in this Court along with interest by keeping amount of Rs.3,89,965 in Fix deposit in the name of applicant no.9 Siddheshwar Gangadhar Kurkute and remaining amount be disbursed to other applicants.”

2. Learned counsel for the applicants submits that respondent no.9 in the First Appeal, i.e. Siddheshwar s/o Gangadhar Kurkute, is serving in America i.e. abroad. A copy of letter issued by his employer company is annexed at page 36 of the application. Learned counsel further submits that the applicants-claimants are already permitted to

withdraw the 25% amount remaining with this Court along with accrued interest thereon by order dated 21.04.2025 passed in Civil Application No. 3395 of 2025. However, respondent no.9 being not made applicant in this Civil Application, he being abroad, the other applicants are not able to withdraw even their share. Hence the above prayer.

3. Learned counsel for the acquiring body, though submitted that respondent no.9 was the necessary party as applicant, has no objection for withdrawal by other applicants after separating share of respondent no.9 as per prayer clause "B".

4. In view of the above, the application is allowed in terms of prayer clause "B" and disposed off accordingly.

[ABHAY S. WAGHWASE, J.]

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