



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**935 CIVIL APPLICATION NO. 10307 OF 2024
IN FA/599/2024**

ANITA W/O RAJU @ RAJESH MANE AND ORS

VERSUS

THE EX. ENGINEER, IRRIGATION PROJECT STRENGTHENING
DIV. OMERGA AND ORS

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Advocate for Applicants : Mr. Kore Ganesh J.

AGP for Respondent/s-State : Mr. D. B. Bhange.

Advocate for Respondent No.1 : Mr. Umesh Mitkari h/f Mr.
Mukul S. Kulkarni.

Advocate for respective Respondents : Mr. Yash S. Pareek h/f
Mr. A. B. Kale.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 13.06.2025

PER COURT :-

1. Heard both sides.
2. Applicants are seeking permission to withdraw amount jointly with respondent Nos.4A-1 and 4A-2.
3. First appeal has been preferred by respondent/acquiring body and the amount of Rs.8,10,565/- is deposited in this Court. By previous order passed on 25.01.2024 in Civil Application No.7983 of 2023 respondent Nos.4A-1 and 4A-2 were permitted to withdraw the amount on furnishing undertaking. Lateron, present applicants stepped in the

litigation and claimed to be added. They are impleaded in the appeal.

4. Applicants and respondent Nos.4A-1 and 4A-2 are the legal heirs of Vasant Maroti Mane. In pursuance of the compromise decree in RCS No.8 of 2017 passed by Civil Judge Senior Division, Umarga, they are entitled to receive amount of compensation in equally proportion. The compromise decree is placed on record and marked at Exh.X. Both parties are ad idem that applicant Nos.1 and 2 together with applicant No.3 and respondent Nos.4A-1 and 4A-2 together are entitled 1/3rd share of the compensation permitted to be disbursed. Although respondent Nos.4A-1 and 4A-2 were permitted to withdraw the amount deposited in this Court, yet that amount has not been disbursed. There is no impediment in allowing present application.

5. Civil application is allowed thereby permitting applicant Nos.1 and 2 together to receive 1/3rd, applicant No.3 to receive 1/3rd and applicant Nos.4A-1 and 4A-2 together to receive 1/3rd from the amount with accrued interest on furnishing undertaking.

(SHAILESH P. BRAHME, J.)

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vmk/-