



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**953 CIVIL APPLICATION NO. 8331 OF 2025
IN FAST/21157/2020**

MALLIKARJUN DHONDIBA KALEBERE DIED THROU LRS
SHANTABAI DIED THR LRS SANGITA

VERSUS

EXECUTIVE ENGINEER, IRRIGATION PROJECT STRENGTHENING
(MAJBUTIKARANA) DIVISION OMERGA

...

Advocate for Applicant : Mr. Sanjay A. Wakure

Advocate for Respondent No.1 : Mr. Mukul S. Kulkarni

AGP for Respondent Nos. 2 and 3-State : Mr. D. R. Korade

...

**WITH CIVIL APPLICATION NO. 10157 OF 2025 IN
FAST/21157/2020**

EXECUTIVE ENGINEER, IRRIGATION PROJECT STRENGTHENING
(MAJBUTIKARANA) DIVISION OMERGA

VERSUS

MALLIKARJUN DHONDIBA KALEBERE DIED THROU LRS AND
OTHERS

...

Advocate for Applicant : Mr. Mukul S. Kulkarni

Advocate for Respondent No.1 : Mr. Sanjay A. Wakure

AGP for Respondent Nos. 2 and 3-State : Mr. D. R. Korade

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CORAM : ABHAY S. WAGHWASE, J.

DATED : 18 SEPTEMBER 2025

PER COURT :-**CIVIL APPLICATION NO. 8331 OF 2025 (for withdrawal of amount)**

1. This is an application for withdrawal of entire amount of compensation deposited by the Acquiring Body. Learned counsel for the applicant placed on record order dated 25.07.2025 passed by this Court in similar matter i.e. Civil Application No. 7685 of 2025 in First Appeal (St) No. 21163 of 2020 and points out that the applicant-claimant therein was permitted to withdraw 75% of the amount deposited.
2. Though learned counsel for the respondent acquiring body opposed the application, he concedes that this Court has allowed several other claimants from the same group to withdraw 75% amount deposited by the acquiring body in this Court.
3. For the reasons mentioned in the application, the same is partly allowed by permitting the applicant to withdraw 50% of the amount on furnishing undertaking to the satisfaction of the learned Registrar (Judicial) of this Court and 25% of the amount on furnishing solvent security/surety. The remaining 25% amount be invested in Fixed Deposit with any Nationalized Bank on yearly basis which would be

renewed from time to time till disposal of the Appeal. The Application is accordingly disposed off.

CIVIL APPLICATION NO. 10157 OF 2025

4. This application is filed by the appellant acquiring body, praying therein to bring on record the legal representatives of deceased respondent no.1 Shantabai Malikarjun Kalebere, who is reported to have died on 30.09.2023. Copy of death certificate is annexed at Exhibit "A".

5. In view of the above, and for the reasons mentioned in the application, the same is allowed in terms of prayer clause "A" and disposed off accordingly.

[ABHAY S. WAGHWASE, J.]