



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

**CIVIL APPLICATION NO. 10977 OF 2025
IN
FIRST APPEAL NO. 1948 OF 2020**

Vishwanath Dadarao Dawkare
Since deceased through his L.Rs.
Janabai Vishwanath Dawkare
and others .. Applicants

Versus

The Executive Engineer, Left
Irrigation Division, Osmanabad
and another .. Respondents

Shri Vikas S. Tanwade, Advocate for the Applicants.
Mrs. Vaishali S. Swami, Advocate h/f Shri Mahesh C. Swami,
Advocate for the Respondent No. 1.
Shri B. A. Shinde, A. G. P. for the Respondent No. 2.

**CORAM : SHAILESH P. BRAHME, J.
DATE : 04TH OCTOBER, 2025.**

FINAL ORDER :

. Applicants are praying for withdrawal of the amount to their extent.

2. The respondent No. 1 - acquiring body deposited the amount. There are three claimants namely Vishwanath, Jitendra and Shahuraj having 1/3rd share each in the compensation. The acquiring body has deposited only 70% of the compensation. Jitendra was permitted to withdraw his 1/3rd

share vide order dated 04.08.2023. Now legal heirs of Vishwanath are praying for withdrawal of 1/3rd share to the extent of deceased Vishwanath.

3. In view of the previous order, I find no difficulty in disbursing 1/3rd amount payable to deceased Vishwanath to the applicants, who are his legal heirs.

4. The civil application is partly allowed permitting the applicants to receive 1/3rd share deposited by the acquiring body with accrued interest on furnishing undertaking to the satisfaction of the Registrar (Judicial). Balance amount shall be invested in any nationalized bank. The civil application is disposed of.

[SHAILESH P. BRAHME J.]

bsb/Oct. 25