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

**CIVIL APPLICATION NO.10713 OF 2024 IN
FIRST APPEAL NO.1370 OF 2021**

1.1 Arun Kashinath Koli, Died, L.Rs.
1.1A Manjulabai arun Koli & others ... **APPLICANTS**

VERSUS

The State of Maharashtra & ors. ... **RESPONDENTS**

.....
Ms Sakshi Kale, Advocate holding for
Mr. A.B. Kale, Advocate for applicants
Mrs. K.B. Patil Bharaswadkar, A.G.P. for R.No.1 & 2
Mr. A.D. Pawar, Advocate for R.No.3 & 4
.....

WITH

**CIVIL APPLICATION NO.13378 OF 2024 IN
FIRST APPEAL NO.1364 OF 2021**

Madhukar Shalik Sapkale & others ... **APPLICANTS**

VERSUS

The Executive Engineer, Girna
Canal Renovation Division No.2,
Jalgaon & ors. ... **RESPONDENTS**

.....
Ms Sakshi Kale, Advocate holding for
Mr. A.B. Kale, Advocate for applicants
Mrs. K.B. Patil Bharaswadkar, A.G.P. for R.No.1 & 2
Mr. A.D. Pawar, Advocate for R.No.3 & 4
.....

**CORAM : R.G. AVACHAT AND
NEERAJ P. DHOTE, JJ.**

DATE : 24th JANUARY, 2025

ORDER :

These Civil Applications are filed for withdrawal of the amount which is deposited by the respondent – acquiring body.

2. Learned Advocate for the applicants/ claimants submits that, the applicants may be allowed to withdraw another 25% amount, which has now been deposited by the acquiring body since according to her, the said amount is far below the amount awarded. She submits that, necessary undertaking would be given by the applicants/ claimants.

3. The applications for withdrawal of amount are opposed by learned Advocate for the acquiring body. He submits that, if the appeals are heard, the acquiring body is likely to succeed. He submits that the appeals may be heard finally.

4. It is not in dispute that so far only 50% of the amount under the impugned award has been deposited by the acquiring body. The acquiring body has not yet deposited remaining 50% of the amount along with interest. We, therefore, see no impediment to permit the applicants/claimants to withdraw another 25% amount deposited by the acquiring body.

5. Hence, the applicants are permitted to withdraw another 25% amount, which has now been deposited by the acquiring body, along with interest accrued thereon, subject to furnishing regular undertaking(s) to the satisfaction of learned Registrar (Judicial) of this Court. The applications for withdrawal of amount, as such, stand disposed of.

(NEERAJ P. DHOTE, J.)

(R.G. AVACHAT, J.)

fmp/-