



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

941 CIVIL APPLICATION NO. 13529 OF 2024
IN FAST/14552/2024

MAGANSING S/O DHONDIRAM GUSINGE AND ORS
VERSUS
THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION
AND ORS

...
Advocate for Applicants : Mr. Humbe Vilas Mohanrao.
AGP for Respondent/s-State : Mr. B. A. Shinde.
Advocate for Respondent No.1 : Mr. Suresh W. Munde.
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CORAM : SHAILESH P. BRAHME, J.
DATE : 03.07.2025

PER COURT :-

1. Learned counsel for the applicants is praying for withdrawal of Rs.43,60,324/- deposited by the respondent/acquiring body. He tenders on record order dated 30.04.2025 passed by Co-ordinate Bench in First Appeal No.845 of 2025 permitting the claimants to receive 50% of the deposited amount on furnishing undertaking and additional 25% on furnishing solvent surety/security.

2. I have considered the order dated 30.04.2025. On the ground of parity applicants are entitled to receive the amount. I have no reason to take any different view. I proposed to

follow the same course as it is done by the Co-ordinate Bench.

Hence, the following order is passed :

ORDER

- (i) Application is partly allowed.
- (ii) The applicants are permitted to withdraw 50% of compensation amount deposited by respondent/ acquiring body along with accrued interest on furnishing usual undertaking to the satisfaction of Registrar (Judicial) of this Court.
- (iii) Additional 25% amount is allowed to be withdrawn along with accrued interest on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court.
- (iv) Remaining amount be kept in fixed deposit in any nationalized bank till further orders.
- (v) Civil Application stands disposed of.

(SHAILESH P. BRAHME, J.)

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vmk/-