

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 13821 OF 2024
IN FA/845/2025 WITH
CIVIL APPLICATION NO. 4301 OF 2024
IN FA/845/2025

Ukkadsing S/o Chagansing Gusinge And Ors

VERSUS

The Executive Engineer And Ors

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Advocate for Applicants : Mr. V.M. Humbe h/f Mr. Solanke Vinayak
Haridasrao

AGP for Respondent/State : Mr. S.S. Dande

Advocate for Respondent No.1 : Mr. Vinesh C. Solshe

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CORAM : S.G. CHAPALGAONKAR, J.

DATED : APRIL 30, 2025

PER COURT :

1. Heard learned advocates appearing for respective parties.
2. Present application has been filed seeking permission to withdraw amount deposited by respondent/acquiring body in pursuance to award passed by Reference Court.
3. Learned advocate appearing for applicants invites attention of this Court to order dated 25.10.2024 passed in Civil Application No.10643 of 2024, which is in respect of appeal arising out of same acquisition. Learned advocate appearing for applicants therefore urges that same course may be followed in the present case and applicants may be permitted to withdraw 75% of the compensation amount deposited by respondent/acquiring body on same terms, as has been directed in order dated 25.10.2024.

(2)

4. Mr. Solshe, learned advocate appearing for acquiring body did not dispute that the order referred pertains to same acquisition.

5. In that view of the matter, 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- (iii) Additional 25% amount is allowed to be withdrawn along with accrued interest on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court.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.

In Stay Application :

6. Mr. Solshe, learned advocate appearing for applicant in this application submits that entire amount as per award under appeal is deposited with registry of this Court. His statement is supported with office endorsement. In result, application is allowed in terms of prayer clause (B) and disposed of.

In First Appeal :

7. Heard.
8. **Admit.** Print and paper book dispensed with.
9. Learned AGP waives notice for respondent nos.3 and 4 and Mr. Solanke, learned advocate waives notice for respondent no.1.
10. Parties are at liberty to move for early hearing.

(S.G. CHAPALGAONKAR, J.)