

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

29 WRIT PETITION NO. 2262 OF 2014
WITH CA/10995/2014 IN WP/2262/2014

RAJESH BHAGWATRAO GAIKWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Pawar D.B.
AGP for Respondents:Mr. B.N. Patil
Advocate for Respondents No.4 & 6 :Mr. Avishkar S.
Shelke

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CORAM : R. M. BORDE & P.R. BORA, JJ.
Dated: July 22, 2015

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PER COURT :-

1 Learned counsel appearing for respondents, has placed on record, a proposal, forwarded by the Executive Engineer, Ambajogai to the Superintending Engineer on 9.4.2015. As per the said proposal, moved by the Executive Engineer, the entitlement of the petitioner towards damages is computed at RS.80,000/- and it is stated that the proposal tendered to the Superintending Engineer, would further be transmitted to the competent authority i.e. the Chief Engineer for taking final decision.

2 In pursuance of the order passed by this Court, the respondent has deposited a sum of Rs.1,50,000/- in this Court. Counsel appearing for the petitioner, on instructions states that, he is prepared to accept the proposal moved by the Executive Engineer for payment of compensation to the tune of R s.80,000/-.

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3 In the facts and circumstances of the case, we are of the opinion that, the petitioner can be permitted to withdraw a sum of Rs.80,000/-, out of the amount deposited by the respondents, in this Court, towards full and final settlement of the claim, raised by the petitioner. The petitioner is accordingly permitted to withdraw sum of Rs. 80,000/- unconditionally. It would be open for the respondents to claim refund of Rs.70,000/- deposited by the concerned respondents in this Court, without any precondition.

4 In view of above order, writ petition is disposed of.

5 Pending civil applications do not survive and stand disposed of.

(P.R. BORA, J.)

(R. M. BORDE, J.)