

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

**CIVIL APPLICATION NO. 10613 OF 2015
IN
FIRST APPEAL NO. 2492 OF 2013**

Bhau Tukaram Darphade .. Applicant

Versus

The Executive Engineer Minor
Irrigation Division Jalna and another .. Respondents

Shri A. S. Usmanpurkar, Advocate for the Applicant.

Shri R. C. Patil, Advocate for the Respondent No. 1.

Shri D. V. Tele, A.G.P. for the Respondent No. 2.

CORAM : S. V. GANGAPURWALA, J.

DATE : 28TH AUGUST, 2015.

PER COURT :

. This is an application for withdrawal of amount. Mr. Patil, the learned counsel for the respondent No. 1/original appellant opposes the application on the ground that the Reference Court has granted exorbitant compensation amount.

2. The learned counsel for the applicant submits that, the Reference Court after considering all the aspects of matter had granted just and reasonable amount of compensation.

3. It appears that, the appellant has deposited only 60% of the amount awarded by the Reference Court and for remaining 40% the Court has granted three months time which is yet to expire. Considering the fact that, only 60% amount under the award is deposited, there would be no impediment to allow the applicant to withdraw the amount.

4. In the light of the above, I pass following order.

5. The applicant is allowed to withdraw the amount deposited by the respondent No. 1 on submitting undertaking to the Court that, in the event the appeal is allowed and the applicant is directed to redeposit the amount, the applicant would deposit the same within one month. The civil application is disposed of.

[S. V. GANGAPURWALA, J.]

bsb/Aug. 15