

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 16625 OF 2015
IN FAST/23118/2013

BABU NARSING SOMWANSHI
VERSUS
DY. CHIEF EXECUTIVE ENGINEER, CENTRAL RAILWAY (CONSTRUCTION) DIV.
SOLAPUR AND ANR

...
Advocate for Applicant : Mr. Girish L. Awale.
Advocate for Non Applicant No.1 : Mr. Manish N. Navandar.
AGP for Non Applicant No. 2 : Mr. N. B. Patil.

CORAM : A.M. BADAR, J.
DATE : 21st DECEMBER, 2015.

PER COURT:

- 1] Appearance of Shri B.N. Patil, Advocate is discharged at his request, as the applicant is represented by Shri Girish Awale, Advocate.
- 2] Heard learned counsel for the Acquiring Authority, Shri M.N. Navandar, Advocate for non applicant No.1, so also learned AGP for non applicant No.2.
- 3] As per the directions of this Court, the appellate authority has deposited 50% of the amount under the award and applicant/original claimant is seeking withdrawal thereof.
- 4] Considering the fact that the land of the applicant is compulsorily acquired and after due trial, the learned Reference Court has enhanced compensation, I am of the considered opinion that there is no impediment in allowing the applicant to withdraw the amount deposited by the Acquiring Authority before this Court, by seeking some surety and undertaking from the applicant. Hence the following order :-

[a] Out of the amount of compensation deposited in this Court, which represents 50% of the total amount awarded, the applicant is permitted to withdraw 50% of the total amount deposited, on furnishing personal undertaking that in the event, appeal is allowed, he shall refund the same to this Court within a period of one month.

[b] Remaining 50% amount deposited before this court is permitted to be withdrawn by the applicant on furnishing solvent surety/security by the applicant.

[c] Application is disposed of accordingly.

[A.M. BADAR, J]

grt/-