

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 2979 OF 2016
IN FA/982/2016

PRASAD TULJIRAM NIRVAL
VERSUS
THE EXECUTIVE ENGINEER, LOWER DUDHANA PROJECT DIVISION,
SAILU AND ANR

...
Advocate for Applicants : Smt. Asha D. Rakh and Mr. Nilesh Avhad
Advocate for Respondent No.1 : Mr. B.R. Surwase
AGP for Respondent No.2: Mr. D.R. Korde.

.....

CORAM : V. K. JADHAV, J.
DATED : 9th MARCH, 2016

PER COURT:-

1. Heard learned counsel for the respective parties. This is an application filed for withdrawal of amount.
2. Learned counsel for the applicant-original claimant submits that the applicant is persuading legal proceedings for enhancement of compensation amount since long. Learned counsel further submits that considering the huge pendency of old matters, the first appeal filed by the acquiring body will take some considerable time for final disposal. The counsel therefore, prays that the applicant be permitted to withdraw the amount.
3. The learned counsel for respondent No.1 submits that

Reference Court has enhanced the compensation amount exorbitantly and therefore, the applicant may not be permitted to withdraw the entire amount.

4. It appears that Notification under Section 4 of the Land Acquisition Act, 1894 was published in the year 1996, an award was passed in the year 2001 and the Land Acquisition Reference was decided in the year 2015.

5. In the light of the above facts and the submissions canvassed by learned counsel for respective parties, the applicant is permitted to withdraw 75% of the amount deposited in this Court subject to furnishing undertaking to the satisfaction of the Registrar (Judicial) of this Court. The remaining 25% amount shall be invested in any Nationalized Bank till disposal of the first appeal.

6. Civil application is accordingly disposed of.

(V. K. JADHAV, J.)

rlj/