

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

923 CIVIL APPLICATION NO. 13925 OF 2016
IN FAST/35615/2015 WITH CA/6277/2016 IN FAST/35615/2015
WITH CA/6285/2016 IN FAST/35615/2015

VITTHAL TULSHIRAM AVCHAR
VERSUS
THE EXECUTIVE ENGINEER, NIMNA DUDHANA PROJECT DIVISION,
SELU AND OTHERS

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Advocate for Applicant : S.s. Randive
AGP for Respondents: G.O. Wattamwar
Advocate for Respondents : R.C. Patil for R/1

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CORAM : P.R. BORA, J.
DATE : 18-10-2016.

P.C. :

1. In the present matter though the applicant has filed the application seeking withdrawal of the amount the office remark shows that the acquiring body has not yet deposited amount of compensation. Shri R.C. Patil, learned counsel for the acquiring body submits that, the cheque for the amount of compensation is received to him and he will deposit the same in the Registry within three days. The registry is directed to accept the cheque and the time for deposit of the amount stands extended.

2. Mr. R.C. Patil, learned counsel appearing for the acquiring body was fair enough in submitting that applicants can be permitted to withdraw 75% of the total amount deposited by the acquiring body and the 25% amount shall be kept in fixed deposit.

Hence the following order.

ORDER

- i) Application is allowed.
- ii) 75% of the deposited amount be released in favour of the applicant on submitting an undertaking that in the event any adverse order is passed they will redeposit the said amount within four months of passing of such order.
- iii) Balance 25% be invested in any nationalized bank in F.D.R. initially for a period of two years, if so required, for a further period till the disposal of the appeal.

3. For the reasons stated in the application, which according to me are just and sufficient, delay of 256 days in filing the appeal is condoned. Appeal be registered in accordance with law. Civil application disposed of. In view of the fact that, this court has permitted acquiring body to deposit the amount of compensation. Civil Application no. 6285 of 2016 stands allowed.

(P.R. BORA)
JUDGE