

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

Civil Application No.165 of 2016

In

First Appeal No.1196 of 2014

Shankarrao s/o Narsing Shinde. .. **Applicant.**

Versus

The Executive Engineer,
Lower Terna Canal Division No.2
Latur And Another. .. **Respondents.**

Shri. S.S. Manale, Advocate, for applicant.

Shri. B.A. Shinde, Advocate, for respondent No.1.

Shri. A.R. Borulkar, Assistant Government Pleader, for
respondent No.2.

CORAM: T.V. NALAWADE, J.

DATE : 29th JANUARY 2016

ORDER:

1) The application is filed for permission to withdraw the amount of compensation deposited by the acquiring body. Heard both sides.

2) Seen the judgment and award. In view of the submissions made this Court holds that 75% of the amount deposited by the acquiring body can be allowed to be withdrawn as follows :-

3) The applicant is allowed to withdraw 50% of the amount deposited on submitting undertaking to the Executing Court that in the event the appeal is allowed and the applicant is directed to deposit the amount he shall deposit the amount with the same rate of interest within a period of one month. The applicant is further allowed to withdraw 25% of the amount deposited on furnishing solvent surety of the like amount and also the undertaking of the aforesaid nature. The remaining 25% of the amount be kept in fixed deposit in any nationalized bank. In those terms the application is allowed and disposed of.

Sd/-
(T.V. NALAWADE, J.)

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