

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

988 CIVIL APPLICATION NO. 2360 OF 2017
IN FA/3869/2016 WITH FA/3870/2016 WITH CA/2361/2017 IN
FA/3871/2016 WITH CA/2362/2017 IN FA/3872/2016 WITH
CA/2363/2017 IN FA/3873/2016 WITH CA/2364/2017 IN
FA/3874/2016 WITH CA/2365/2017 IN FA/3868/2016

MOMAMMAD GAUS A. HUSAIN DESHMUKH
VERSUS
THE EXECUTIVE ENGINEER, NIMNA DUDHANA PROJECT DIVISION
SELU, THR JALNA IRRIGATION

Advocate for Applicant : Koralkar Arun H.
AGP for Respondents: B.V. Virde
Advocate for Respondents : R. C. Patil For R/1

CORAM : V.K. JADHAV, J.
DATE : 17-02-2017.

P.C. :

1. The learned counsel for the applicant submits that, in respect of the same project, however, under the different notification this court has also allowed the claimants to withdraw 75% of the amount deposited in this court on furnishing an undertaking. The learned counsel submits that, in some of the appeals arising out of the same award in respect of the same project, this court has awarded the enhanced compensation @ Rs.2,000/- and in the instant case the reference court has enhanced the compensation @ Rs.2,500/-.

2. The learned counsel for the respondent-acquiring body has strongly resisted the application on the ground that, the reference court has awarded huge amount of compensation without

any basis. The learned counsel submits that in some of the appeals though arising out from the same project this court has awarded the enhanced compensation @ Rs.1,500/-.

3. In view of the above submissions, the applicants are permitted to withdraw 50% of the amount deposited before this court on furnishing undertaking and 25% of the amount on furnishing solvent surety to the satisfaction of the Registrar (Judicial) and the remaining 25% of the amount shall be kept in F.D.R. in any nationalized bank initially for a period of two years and thereafter renewal as per directions of this court till the disposal of the appeal. Civil application is accordingly disposed of.

(V.K. JADHAV)
JUDGE

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