

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

CIVIL APPLICATION NO. 7464 OF 2017 IN FAST/5462/2016

SUNIL ANANTRAO KULKARNI
VERSUS
THE EXECUTIVE ENGINEER, MAJALGAON DAM, DIVISION NO.10,
PARBHANI AND ORS

...
Advocate for Applicant : Mr.V.B.Jogdand-Patil h/f. Mr.V.D.Bhise.
Advocate for Respondent No.1 : Mr. R. C. Patil.
AGP for Respondent No.2, 3 : Mr. S. R. Yadav-Patil.
...

CORAM : K.K. SONAWANE, J.

DATED : 29TH NOVEMBER, 2017.

Order :-

Heard learned counsel for applicant-original claimant.

2. Perused the application and relevant documents on record. It appears that present application is moved for withdrawal of the decretal amount deposited on behalf of respondent No.1 - Acquiring Body as compensation for the acquisition of land of applicant. There are other companion matters in which this Court allowed the claimants for withdrawal of the amount. In such circumstances, there is no impediment to grant similar permission for the applicant-original claimant to withdraw the amount deposited in this Court on certain conditions.

3. Accordingly, the applicant is permitted to withdraw 50 % of the amount deposited by respondent No.1-Acquiring Body in this Court after furnishing undertaking to the effect that, in case, any adverse situation arises after adjudication of appeal on merit, the

applicant-original claimant will refund the amount within stipulated period as directed by this Court. From rest of the balance amount, the 25 % amount be allowed to be withdrawn by applicant-original claimant on furnishing solvent surety of like amount to the satisfaction of Registrar (Judicial) of this Court and remaining 25 % balance amount be invested in the Fixed Deposit Receipts Account in any Nationalized Bank for a period of two years or till final decision of present appeal on merit, whichever is earlier. The Registry to do the needful for disbursement of the amount in favour of applicant-original claimant as mentioned above. Accordingly, civil application stands disposed of.

[K. K. SONAWANE]
JUDGE

rrd.