

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

CIVIL APPLICATION NO. 2852 OF 2017
IN FAST/15850/2016 WITH CA/8656/2016 IN FAST/15847/2016 WITH
CA/8658/2016 IN FAST/15856/2016 WITH CA/8660/2016 IN
FAST/15862/2016 WITH CA/8665/2016 IN FAST/15850/2016 WITH
CA/8668/2016 IN FAST/15853/2016 WITH CA/8670/2016 IN
FAST/15865/2016 WITH CA/2853/2017 IN FAST/15853/2016 WITH
CA/2854/2017 IN FAST/15847/2016 WITH CA/2855/2017 IN
FAST/15862/2016 WITH CA/2856/2017 IN FAST/15856/2016 WITH
CA/2857/2017 IN FAST/15865/2016

KUNDLIK PIRAJI KHOSE DIED THR DNYANOBA KUNDLIK KHOSE AND
ORS
VERSUS
THE EXE ENGINEER, NIMNA DUDHANA PROJECT DIV SELU, (JAIKWADI
CONS. PROJECT DIV NO.7

...
Advocate for Applicants : Shri Kathare Makarand B.
AGP for Respondents: Shri B.A.Shinde.
Advocate for Respondents : Shri R. C. Patil for R/1.
...

CORAM: V.K. JADHAV, J.
DATE :- 07th April, 2017.

Per Court:

- 1 Leave to amend the prayer clause.
- 2 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/-.

3 The learned counsel for the respondent-acquiring body has strongly resisted the applications 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/-.

4 In view of the above submissions, the applicants are permitted to withdraw 50% of the amount deposited before this court on furnishing an undertaking and 25% of the amount on furnishing a solvent surety to the satisfaction of the Registrar (Judicial) of this Court 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, renewed as per directions of this court till the disposal of the appeals.

5 All the Civil Applications for withdrawal of amount are, accordingly, disposed of.

(V.K. JADHAV, J.)