

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

CIVIL APPLICATION NO. 5052 OF 2017  
IN FA/1062/2016

WALIBAI PREMJI @ PREMSING JOSHI  
VERSUS  
THE EXECUTIVE ENGINEER MIW JALGAON AND OTHERS

...  
Advocate for Applicant : Mr. V. B. Jogdand-Patil h/f. Mr. V. D. Bhise.  
Advocate for Respondent No.1 : Mr. Balaji Lipane h/f. Mr. A. P. Chawre.  
AGP for Respondent No.2 : Mr. S. J. Salgare.  
...

**CORAM : K.K. SONAWANE, J.**

**DATED : 08<sup>TH</sup> DECEMBER, 2017.**

**Order :-**

Heard learned counsel for applicant-original claimant and learned counsel for respondent No.1 as well as learned AGP for respondent No.2 – State of Maharashtra.

2. Perused the application. The matter pertains to land acquisition proceedings. The respondent- Acquiring Body acquired the land of the applicant-original claimant for Lower Dudhana Project and awarded compensation. The Reference Court has awarded enhanced compensation for the acquired lands. The respondent- Acquiring Body preferred the first appeal against the Judgment and Award of the Reference Court, which is pending before this Court.

3. In view of the attending circumstances, there is no impediment to allow the applicant (original claimant) for withdrawal of 50 % of the amount deposited in this Court on certain terms and conditions. The learned counsel for applicant submits that in the companion matters bearing First Appeal Nos. 1058 and 1059 of 2016, this Court (Coram : P. R. Bora, J) allowed the applicant-original claimant to withdraw 50 % of the amount deposited in this Court and rest 50 % of the amount be invested in Fixed Deposit Receipt in any Nationalized Bank for the period till disposal of the appeal. He prayed for similar order passed by the Court in the interest of justice.

4. In view of submission, civil application stands allowed. The applicant-original claimant is permitted to withdraw 50 % of the amount deposited by respondent-Acquiring Body in this appeal on furnishing undertaking to the effect that in case adverse situation, if any, arises after adjudication of the appeal on merit, the applicant will refund the received amount forthwith as per requisite order passed by this Court. The rest 50% amount be invested in Fixed Deposit Receipts Account in any Nationalized Bank for a period of two years or till adjudication of the appeal, whichever is earlier. The Registry to do the needful for disbursement as directed above.

5. In the light of above, the civil application stands disposed of accordingly.

**[ K. K. SONAWANE ]**  
**JUDGE**

rrd.