

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

914 CA/2807/2017 IN FA/572/2017
WITH
FA 572/2017

GANPAT BAJIRAO AVCHAR
VERSUS
THE EXECUTIVE ENGINEER, NIMNA DUDHANA PROJECT
DIVISION, SELU AND ORS

...

AND

915 CA/2808/2017 IN FA/573/2017
WITH FA 573/2017

SOPAN SHRIRANGRAO KADAM
VERSUS
THE EXECUTIVE ENGINEER, NIMNA DUDHANA PROJECT
DIVISION, SELU AND ORS

...

Advocate for Respondents : S. S. Randive & G. V. More
Advocate for Appellants : Mr Patil Ruturaj C.

...

WITH

916 FA/574/2017

THE EXECUTIVE ENGINEER, NIMNA DUDHANA PROJECT
DIVISION, SELU AND ORS
VERSUS
RAMKISAN DHONDIBA GORE DIED THR LRS JANABAI AND
ORS

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CORAM : V.K. JADHAV, J.

Dated: June 22, 2017

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PER COURT :-

1. Learned counsel for respondent-acquiring body submits that, this Court by order dated 18.10.2016 in the group of appeals, arises out of the same acquisition

proceedings, permitted the applicants to withdraw 75% of the amount out of the amount deposited before this Court. Learned counsel submits that, respondent-acquiring body has already deposited 50% of the amount out of the total amount before the executing Court and, the applicants-original claimants have withdrawn the same. Thus, in view of the earlier order passed by this Court dated 18.10.2016 as aforesaid, the applicants herein may be permitted to withdraw 50% of the amount out of the amount deposited before this Court.

2. Learned counsel for the applicants submits that from the same award in the another group of appeals, this Court by order dated 2.5.2016, permitted the applicants therein to withdraw entire amount on furnishing an undertaking to the satisfaction of the Registrar Judicial of this Court.

3. On perusal of the impugned judgment and award passed by the Reference Court, it appears that, the S.L.A.O. has awarded the compensation @ Rs.565/- per aar and Reference Court has awarded the compensation at the enhanced rate of RS.1300/- per Aar by treating the acquired land as dry lands.

aaa/-

4. It appears that, earlier order dated 2.5.2016 passed by this Court was not brought to the notice of this Court when order dated 18.10.2016 came to be passed permitting the applicants to withdraw only 75% of the amount out of the amount deposited before this Court. In view of the compensation as awarded at the enhanced rate by the Reference Court, the applicants-original claimants are also permitted to withdraw entire amount on furnishing undertaking to the satisfaction of the Registrar (Judicial) of this Court.

5. Civil applications for withdrawal of the amount accordingly disposed of.

6. Fix the first appeals for admission hearing on 13.7.2017.

(V.K. JADHAV, J.)

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