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

**970 CIVIL APPLICATION NO. 5977 OF 2017
IN FA/4389/2016**

**SADASHIV LIMBAJI GHULE
VERSUS
THE EXECUTIVE ENGINEER, MINOR IRRIGATION OFFICE, PARBHANI
AND ORS**

Advocate for Applicant : Mr Jogdand Patil Vijay B.
Advocate for respondent no.1 : Mr R.C. Patil
AGP for respondent No.2 : Mr C.V. Dharurkar

CORAM : V.K. JADHAV, J.

DATE : 28th April, 2017

ORAL ORDER

Heard both the sides.

2. The learned Counsel for the applicant submits that the Reference Court has awarded meager amount of compensation at the enhanced rate and as such the applicant may be permitted to withdraw the entire amount.

2. The learned Counsel for the respondent – acquiring body submits that the Reference Court has relied upon the sale instances executed after publication of Section 4 notification and those sale instances are from different village.

3. In view of the above submissions, the applicant is hereby permitted to withdraw 50% of the amount deposited before this Court on furnishing undertaking to the satisfaction of the Registrar (Judicial) and further 25% on furnishing bank guarantee of any nationalized bank to the satisfaction of the Registrar (Judicial).

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4. Rest of the amount be invested in any nationalized bank initially for a period of five years and renewal thereafter as per the directions of this Court.
5. Civil Application is accordingly disposed of.

(V.K. JADHAV, J.)

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