

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

944 CIVIL APPLICATION NO. 9016 OF 2017
IN FA/254/2017
WITH
CA/9017/2017 IN FA/259/2017
WITH
CA/9018/2017 IN FA/261/2017

VIJAY DONGARYA KALE
VERSUS
THE EXECUTIVE ENGINEER, LOWER DUDHANA PROJECT
DIVISION, SAILU THR JALNA IRRIGATION

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Advocate for Applicant : Mr Koralkar Arun H.
AGP for Respondents: Mr S N Morampalle
Advocate for Respondents : Mr R. C. Patil

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CORAM : V.K. JADHAV, J.
Dated: July 21, 2017
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PER COURT :-

1. Heard.
2. Learned counsel for the applicant-original claimant submits that, by order dated 17.2.2017 permitted the applicants from the same award to withdraw the compensation amount on certain conditions.
3. Learned counsel for the acquiring body has not disputed this position.

aaa/-

4. Learned counsel for the applicant submits that, in two matters i.e. in FA no.254/2017 and 259/2017 the amount is deposited before this Court. In view of the same, the applicants are permitted to withdraw 75% of the amount deposited in this Court subject to furnishing an undertaking to the satisfaction of the registrar Judicial and balance 25% of the amount be kept in any nationalized Bank in fixed deposit initially for a period of 2 years and be renewed thereafter as per directions of this court till the disposal of the appeal.

5. So far as civil application no. CA/9018/2017 IN FA/261/2017 is concerned, the learned counsel for the applicant submits that 50% of the amount is deposited before the executing court and remaining 50% of the amount respondent is deposited before this Court.

6. In view of the same, the applicant is permitted to withdraw 50% of the amount deposited before the executing court on furnishing an undertaking to the satisfaction of the Executing Court and further

permitted to withdraw 25% of the amount out of the amount deposited before this Court on furnishing an undertaking to the satisfaction of the Registrar Judicial and remaining 25% of the amount be invested in fixed deposited in any nationalized bank initially for a period of two years and thereafter be renewed as per directions of this Court till the disposal of the appeal.

7. Civil applications accordingly disposed of.

(V.K. JADHAV, J.)

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