

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

923 CIVIL APPLICATION NO. 12726 OF 2016
IN FAST/28503/2015

BANYABAI TIPANAPPA BIRADAR DIED THR LRS SHANTABAI
RAMANAND BIRADAR
VERSUS
THE EXECUTIVE ENGINEER, IRRIGATION DEPARTMENT, LATUR AND
ANOTHER

...
Advocate for Applicants : Mr B.k. Pawar
AGP for Respondents: B V Virdhe
Advocate for Respondents : Mrs B.B b.Gunjai For R/1

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CORAM : V.K. JADHAV, J.
Dated: February 24, 2017
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PER COURT :-

1. Heard both sides.
2. The learned counsel for the applicant submits that the Reference Court has passed the award in the year 2009 and respondent Acquiring body has deposited the amount under award after lapse of 7 years. Learned counsel submits that the Reference Court has awarded the compensation at the enhanced rate of Rs.850/- as against rate of Rs.544/- per Aar awarded by the special land acquisition officer.
3. Learned counsel appearing for the respondent acquiring body submits that respondent acquiring body has no objection if the applicants are permitted to withdraw amount on condition of furnishing bank Guarantee.
4. In view of the above submissions, and the challenge made to the judgment and award passed by the Reference Court, the applicants are permitted to withdraw the amount to the extent of 50% on furnishing undertaking and remaining amount on furnishing solvent surety to the satisfaction of the registrar Judicial of this Court. Application accordingly disposed of.

(V.K. JADHAV, J.)

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aaa/-