

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

**20 CIVIL APPLICATION NO. 13575 OF 2017
IN FAST/12567/2016**

LAXMAN RAM AWATADE
VERSUS
THE EXECUTIVE ENGINEER, MINOR IRRIGATION MEDIUM PROJECT,
OSMANABAD AND ORS

Advocate for Applicant : Mr. V.S. Bedre h/f Mr. Estling S. Murge
Advocate for Respondent No. 1 : Mr. G.V. Rajale
AGP for Respondent No. 2 & 3: Mr. S.S. Dande

**WITH CA/13576/2017 IN FAST/12564/2016
WITH CA/13577/2017 IN FAST/12561/2016
WITH CA/13578/2017 IN FAST/12558/2016
WITH CA/13579/2017 IN FAST/12614/2016
WITH CA/13580/2017 IN FAST/12555/2016
WITH CA/13582/2017 IN FAST/12528/2016**

CORAM : K.K. SONAWANE, J.

DATED : 16th NOVEMBER, 2017.

Order :-

1. Heard learned counsel for the applicants as well as learned counsel for respondent No. 1 - Acquiring Body and learned AGP for respondents No. 2 and 3.
2. The learned counsel for respondent No. 1-Acquiring Body fairly conceded that requisite order for withdrawal of the amount came to be passed in the companion matters and the claimants in that matters were permitted to withdraw the amount. Hence, he requested to pass suitable order in the interest of justice.
3. Perused the applications. Considering the reasons mentioned in the application as well as in view of attending circumstances and the similar nature of order passed in companion matters, I do not find any impediment to allow the applications for withdrawal of the amount. It is not just and proper to preclude the claimants from withdrawing some of part of compensation amount deposited int his Court. It is to be

noted that respondent-Acquiring Body deposited only 60% of the compensation amount awarded by the Reference Court and withhold the remaining 40% amount of compensation as per order of this Court. In such circumstances, I do not find any impediment to allow the applicants for withdrawal of 90% of the amount deposited in this Court by respondent- Acquiring Body. Therefore applicants are hereby permitted to withdraw. 90% of the amount deposited by respondent Acquiring body in this case.

4. The Registry to disburse the amount mentioned above in favour of applicants, on furnishing undertaking to the effect that, in case, any adverse situation arises after adjudication of appeal on merits, the applicants-original claimants would refund the amount forthwith or as per order of this Court. The rest 10% of the amount deposited on behalf of respondent – Acquiring body be invested in Fixed Deposit Receipts Account in any Nationalized Bank for a period of two years or till adjudication of appeals on merit, whichever is earlier.

5. Accordingly, civil applications stand disposed of in above terms.

Sd/-

[K. K. SONAWANE]
JUDGE

MTK