

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

CIVIL APPLICATION NO. 13585 OF 2017 IN FA/3754/2016

MACHINDRA KACHRU INGOLE
VERSUS
THE EXECUTIVE ENGINEER, LOWER DUDHANA PROJECT DIVISION
SELU NOW E.E. JALNA IRRIGA

...
Advocate for Applicant : Mr. V. M. Humbe.
Advocate for Respondent No.1 : Smt. Ranjana D. Reddy.
AGP for Respondent No. 2 : Mr. B. V. Virdhe.

...
WITH CA/13586/2017 IN FA/3755/2016
WITH CA/13587/2017 IN FA/3756/2016
...

CORAM : K.K. SONAWANE, J.

DATED : 7TH NOVEMBER, 2017.

Order :-

At this juncture, learned counsel for applicant (original claimant) seeks leave to make correction by requisite amendment in the figures of the compensation amount prayed for withdrawal. Leave granted.

2. It has been contended on behalf of both applicant (original claimant) and respondent (appellant) - Acquiring Body that the original claimants are entitled to receive total sum of Rs.40,78,647/- from the total amount of Rs.86,00,024/- deposited in this Court. According to learned counsel for respondent (appellant) - Acquiring Body, rest of the amount of Rs.2,21,364/- is to be refunded to the Acquiring Body being an excess amount of compensation deposited in this Court. The learned counsel for respondent (appellant) - Acquiring Body produced the statement of total amount deposited in this Court as well as payable to the claimants in respective appeals after waiver of six months interest on the compensation amount which accrued to Rs.2,21,364/-. The statement of compensation amount produced on record is marked as Exhibit- 'X' for the purpose identification.

3. In view of submission on behalf of learned counsel for respondent (appellant) - Acquiring Body, the learned counsel for claimants has no objection for amount shown in the Statement payable to the claimants in respective appeals as well as the amount to be refunded to the respondent (appellant) - Acquiring Body.

4. Accordingly, there is no impediment to allow respective claimant/s in all these three matters - F.A.3755, 3756, 3754 of 2016 [LAR Nos. 202, 203, 2011 of 2011] for withdrawal of the amount of Rs.8,47,764/-, Rs.19,94,309/- and Rs.12,36,574/- respectively. Admittedly, matters came to be settled amicably in the Lok-Adalat and these appeals are disposed of in terms of compromise arrived at in the Lok-Adalat. Therefore, rest of the amount of Rs.2,21,364/- deposited in this Court being an amount of interest for six months waived by the claimant/s as per settlement condition, be refunded back to respondent No.1 (appellant)- Acquiring Body. Accordingly, civil applications stand allowed. The Registry to do the needful for disbursement of amount as mentioned above as well as reflects from the Statement of the amount (Exhibit 'X'). The civil Applications are disposed of in above terms.

[K. K. SONAWANE]
JUDGE

rrd.