

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
925 CIVIL APPLICATION NO. 12920 OF 2017
IN FA/3773/2016**

**SAYYED USMAN SAYYED JAINUSHA
VERSUS
EXECUTIVE ENGINEER, LOWER DUDHNA PROJECT DIVISION,
SAILU NOW JALNA IRRIGATION DIV. JALNA AND OTHERS**

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Advocate for Applicant : Mr. Humbe Vilas M.
Advocate for Respondent State: Mr. B. V. Virdhe
Advocate for Respondent No.2 : Mr. B. R. Surwase

CORAM : K. K. SONAWANE, J.

DATE : 16th November, 2017

ORDER:

1. Heard learned counsel for the applicant/original claimant, learned counsel for the appellant Acquiring Body and learned AGP for the State.

2. It has been submitted that the appellant Acquiring Body and the State of Maharashtra jointly filed First Appeal No. 3773/2016 agitating validity of the judgment and award passed in LAR No. 383/2011. The First Appeal was referred to Lok Adalat on 9th July, 2017. The dispute was amicably resolved in between the parties to the appeal. It was agreed that the applicant/original claimant would receive sum of Rs.4,10,375/- after excluding the amount of Rs.13,56,045/- already withdrawn by the applicant/

original claimant. Therefore, the learned counsel for the applicant seeks permission for withdrawal of the balance amount of Rs.4,10,375/- deposited in this Court.

3. The learned counsel for the Acquiring body submitted that the appellant Acquiring Body has deposited excess sum of Rs.41,640/- in this case towards the interest amount on the compensation amount, but in view of the amicable settlement, the claimant has waived the said interest amount. Therefore he requested to refund the amount of Rs.41,640/-, deposited in this Court. The learned counsel for the appellant Acquiring Body submitted that the office personnels of the office of the Acquiring Body have also verified the figures of the amount to be paid to the claimant and the amount to be refunded to the appellant.

4. Considering the subsequent development and the settlement of the dispute amicably in between the parties in Lok Adalat, there is no impediment to nod in favour of the applicant.

5. Hence, the applicant is permitted to withdraw the sum of Rs.4,10,375/- out of the amount deposited in

this court by the Acquiring Body. The balance amount of Rs.41,640/- be refunded to the appellant Acquiring Body. Accordingly, the Registry to take requisite steps for disbursement of the amount as mentioned above.

6. The application stands disposed of accordingly.

(K. K. SONAWANE, J.)

JPC