

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
925 CIVIL APPLICATION NO. 12921 OF 2017
IN FA/3776/2016

DASHRATH S/O GUNAJI KAMBLE (DIED) THROUGH LRS 1) RAMRAO
DASHRATH KAMBLE, 2) SARJERAO S/O DASHRATH KAMBLE
VERSUS
EXECUTIVE ENGINEER, LOWER DUDHNA PROJECT DIVISION,
SAILU NOW JALNA IRRIGATION DIV. JALNA AND OTHERS

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Advocate for Applicants : 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 applicants/
original claimants, 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. 3776/2016 agitating validity of
the judgment and award passed in LAR No. 371/2011.
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 applicants/original claimants would receive
sum of Rs.5,34,300/- after excluding the amount of
Rs.17,64,170/- already withdrawn by the applicants/

original claimants. Therefore, the learned counsel for the applicants seeks permission for withdrawal of the balance amount of Rs.5,34,300/- deposited in this Court.

3. The learned counsel for the Acquiring body submitted that the appellant Acquiring Body has deposited excess sum of Rs.53,756/- in this case towards the interest amount on the compensation amount, but in view of the amicable settlement, the claimants have waived the said interest amount. Therefore he requested to refund the amount of Rs.53,756/-, 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 applicants.

5. Hence, the applicants are permitted to withdraw the sum of Rs.5,34,300/- out of the amount deposited in

this court by the Acquiring Body. The balance amount of Rs.53,756/- 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