

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

CIVIL APPLICATION NO. 15069 OF 2017

IN FA/1763/2017

MAHARUDRA SARJERAO SHELKE

VERSUS

THE EXECUTIVE ENGINEER, OSMANABAD MEDIUM DIVISION,
OSMANABAD AND ORS

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Advocate for Applicant : Mr.Murge Estling S

Advocate for Respondent no.1 : Mr.G.B.Rajale

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CORAM : K.L.WADANE, J.

DATED : 15th December, 2017

O R D E R :

Heard learned counsel for both sides.

2. Learned counsel appearing for the acquiring body submits that stay to the execution and operation of the impugned award was granted on the condition that the appellants shall deposit 60 per cent amount of total compensation. Accordingly, such amount of compensation is deposited in this Court.

3. Learned counsel appearing for the applicant submits that in similar matters arising

out of the same execution proceedings and the Land Acquisition References, this Court while disposing of Civil Application No. 13575 of 2017 in First Appeal St. No. 12567 of 2016 together with connected matters allowed the claimants/applicants to withdraw 90 per cent amount of compensation out of 60 per cent of total compensation amount.

4. Learned counsel for the applicant prays similar relief in this matter also.

5. In view of above, Civil Application is allowed. The applicant is permitted to withdraw 90 per cent amount of compensation out of 60 per cent amount of total compensation deposited in this Court, on the condition that in case adverse orders are passed by this Court against the applicant, then the applicant will re-deposit said amount in this Court within a period of 12 weeks from the date of such order. The remaining 10 per cent amount of compensation be deposited in fixed deposit in any nationalized bank for a period of

two years or as per the directions of this Court
till the decision of appeal.

6. Civil Application is disposed of.

(K.L.WADANE, J.)

dbm