

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 3015 OF 2018
IN FA/1663/2014

DEVAPPA APPA KAMBLE (DIED) THR LRS SONABAI AND ANR.
VERSUS
GMIDC THR ITS THE EX. ENGINEER, OSMANABAD MINOR
IRRIGATION DIV. OSMANABAD AND ANR.

...
Mr. V.V. Ingale, Advocate for applicants
Mr. S.R. Dheple, Advocate for respondent no.1
Mr. S.P. Deshmukh, AGP for respondent no. 2
...

CORAM : SUNIL P. DESHMUKH, J.
DATE : 01-03-2018

ORDER :

1. Heard learned counsel for the applicant.
2. Learned counsel for applicant states that the land admeasuring 6 Hectare 65 Are has been acquired around 1992.
3. Learned Assistant Government Pleader states that looking at the prevailing compensation as on the date, there has been enormous increase in aggregate award amount of the acquired land.

4. However, looking at the circumstances that the land of the applicants has been acquired in 1992 and they have lost possession on 30-12-1992 and since then beyond the compensation under award by the Special Land Acquisition Officer, no further amount has been paid to the applicants and the applicants claim to have left with no source of livelihood, ends of justice can be met with by letting the applicants withdraw the amount deposited in this court.

5. In view of aforesaid, it would be expedient to allow the applicants/claimants to withdraw the amount deposited in this court on following conditions:

i) Applicants are allowed to withdraw 25% of the total deposited amount in this court, on condition of furnishing undertaking that claimants shall pay back / deposit the amount being withdrawn under this order within a period of three months from the date of decision in appeal, if the decision goes adverse to their interest.

ii) Further 25% of the total amount is allowed to be withdrawn by the applicants subject to furnishing solvent surety to the satisfaction of Registrar (Judicial) of this court.

iii) Rest of 50% amount is allowed to be withdrawn by the applicants on furnishing continuing bank guarantee till disposal of appeal, of any nationalized bank.

6. Civil application accordingly stands disposed of.

[SUNIL P. DESHMUKH]
JUDGE

arp/