

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 2978 OF 2018
IN
FIRST APPEAL NO. 748 OF 2014

Kashinath Vishwanath Bamankar ...Applicant

Versus

Godavari Marathwada Irrigation
Development Corporation, Osmanabad
and another
...Respondents

WITH
CIVIL APPLICATION NO. 2980 OF 2018
IN
FIRST APPEAL NO. 749 OF 2014

Dattu Ghansham Deshmane (Died)
Through Shankar Dattu Deshmane
and another ...Applicants

Versus

Godavari Marathwada Irrigation
Development Corporation, Osmanabad
and another
...Respondents

....

Mr. Vivekanand V. Ingale, Advocate for applicant.
Mr. P. S. Shinde, Advocate for R/1
Mr. Shashibhushan P. Deshmukh, AGP for R/2

...

[CORAM: SUNIL P. DESHMUKH, J.]
Date: 01st March, 2018

ORDER :

1. Heard learned counsel for the applicants.
2. Learned counsel for applicants/claimants state that the land admeasuring 6 hector 65 aar situated at village Bamni Tq. and district Osmanabad has been acquired around 1992.
3. Learned Assistant Government Pleader states that the enhancement in compensation granted is excessive, 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 have been acquired in 1992 and they have lost possession in December, 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 to withdraw the amount deposited in this court on following conditions:

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amount in this court, on condition of furnishing undertaking that claimant shall pay back / deposit the amount being withdrawn under this order within a period of three months from the date of decision in appeal, if the decision goes adverse to their interest.

ii) Further 25% of the total amount is allowed to be withdrawn by the applicants/claimants subject to furnishing solvent surety to the satisfaction of Registrar (Judicial) of this court.

iii) Rest of 50% amount is allowed to be withdrawn on furnishing continuing bank guarantee, till disposal of appeal, of any nationalized bank.

6. Civil applications accordingly stand disposed of.

[SUNIL P. DESHMUKH, J.]