

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

952 CIVIL APPLICATION NO. 3291 OF 2018
IN FA/2302/2015

MADHAV FAKIRA DIVE
VERSUS
THE EXECUTIVE ENGINEER IRRIGATION DIVISION ZILLA PARISHAD
AURANGABAD AND ANR

...
Advocate for Applicant : Mr. Nikhil P. Ghanwat
AGP for Respondents: Ms. S.S. Raut
Adv. For Respondent 1 : Mr. D.B. Pawar
...

WITH CA/3295/2018 IN FA/2301/2015
WITH CA/3297/2018 IN FA/2303/2015
WITH CA/3299/2018 IN FA/2300/2015
WITH CA/3301/2018 IN FA/2299/2015
..

CORAM : K.K. SONAWANE, J.

DATED : 19th JUNE, 2018.

Order :-

1. Heard learned counsel for appearing parties.
2. Perused the applications.
3. The present applications are moved by the applicants seeking permission to withdraw decretal amount deposited in this Court by the respondent-Acquiring Body. It has been submitted that Special Land Acquisition Officer has awarded compensation at the rate of Rs. 595/- per R whereas Reference Court has enhanced the same at the rate of Rs. 2000/- per R. Considering the market value determined by the Reference Court, there is no impediment to allow the applicants to withdraw the amount of compensation on certain terms and conditions.

4. Accordingly, applications stand allowed. The applicants are hereby permitted to withdraw 50% of the amount deposited in this Court on furnishing undertaking to the effect that the applicants would refund the amount so withdrawn in case any contingency arises in the appeals. Rest of the 50% decretal amount is hereby permitted to be withdrawn by the applicants on furnishing solvent surety/security of like amount to the satisfaction of the Registrar (Judicial) of this Court.

5. Accordingly, applications stand disposed of in above terms. No order as to costs. Registry to do the needful for disbursement of the amount in favour of the applicants-original claimants.

[K. K. SONAWANE]
JUDGE

MTK.