

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

948 CIVIL APPLICATION NO. 7029 OF 2018
IN FA/3092/2017

JALINDAR NAMDEO MEHTRE
VERSUS
THE EX. ENGINEER, MINOR IRRIGATION DIVISION, OSMANABAD AND
ORS

...
Advocate for Applicant : Mr. Estling S. Murge
AGP for Respondent No.1 and 2: Mr. B.V. Virdhe
Adv. For Respondent No. 3 : Mr. S.G. Karlekar

...
CORAM : K.K. SONAWANE, J.

DATED : 15th JUNE, 2018.

Order :-

1. Heard learned counsel for appearing parties.
2. Perused the application. It has been submitted that pursuant to order of this Court, respondent-Acquiring Body has deposited 60% of the amount awarded by the Reference Court in this case. The applicant – original claimant is seeking permission for withdrawal of 60% of the amount deposited in this Court by the respondent -Acquiring Body. It has brought to the notice of this Court that the Co-ordinate Bench of this Court under order dated 12th December, 2017 in civil application No. 14781 of 2017 and connected civil applications, has allowed the applicants-therein to withdraw 90% of the amount of 60 % deposited in this Court and 10% amount was directed to be kept in the FDR account.
3. Mr. Karlekar, learned counsel for respondent – Acquiring Body has no objection to pass similar order in this application.

4. In view of this submission, the application is partly allowed. The applicant is permitted to withdraw 90% of the amount deposited in this Court subject to condition of furnishing undertaking to the effect that applicant would refund the amount so withdrawn in case any adverse situation arises in the appeal. Rest of the 10% amount deposited in this Court towards compensation be invested in FDR account in any Nationalized Bank for a period of two years or till decision of the first appeal, whichever is earlier with liberty to renew the same if required.

5. Accordingly, the civil application stands disposed of. No order as costs.

Sd/-
[K. K. SONAWANE]
JUDGE

MTK