

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

CIVIL APPLICATION NO. 7237 OF 2018
IN FAST/6426/2017

NARSINHA GOVIND DANDWATE AND ORS
VERSUS
EX. ENGINEER OSMANABAD MINOR IRRIGATION DIV.AND ORS

...
Advocate for Applicants : Mr. Arvind Ramakant Joshi.
Advocate for Respondent-Acquiring Body : Mr. Shyam C. Arora
AGP for Respondents No.2 and 3 : Ms. S. S. Raut.
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CORAM : K.K. SONAWANE, J.

DATED : 25th JUNE, 2018.

Order :-

1. Heard learned counsel for appearing parties.
2. Present application is moved by the applicants for withdrawal of the compensation amount deposited in this Court.
3. Mr. Arora, learned counsel for appellant -Acquiring Body raised objection and submits that the Reference Court has granted exorbitant compensation amount under pretext of enhancement of compensation to the claimants. The interest amount granted by the Reference Court is not as per rules. Therefore, he submits that applicants may not be allowed to withdraw the amount.
4. Having regard to anxious consideration to the arguments advanced on behalf of both sides there is no doubt that the lands of the claimants acquired for the purpose of Gopalwadi Water Storage tank on behalf of the respondent – Acquiring Body. The Reference Court after assessment of facts and circumstances granted enhanced compensation. In such circumstances, there is no impediment to allow the applicants to withdraw at least 75% amount deposited in this Court on certain terms and conditions. Hence, the application deserves to be allowed partly.

5. Accordingly, the civil application is partly allowed. The applicants are permitted to withdraw 50% of the amount deposited in this Court on furnishing undertaking that they would refund the amount so withdrawn, as per directions of this Court, in case any contingency arises in these appeal. The applicants are further permitted to withdraw 25% of the balance compensation amount on furnishing solvent surety/security of like amount to the satisfaction of the Registrar (Judicial) of this Court. Rest of the 25% balance compensation amount deposited in this Court be invested in the Fixed Deposit Receipt in any Nationalized Bank for a period of two years or till disposal of the appeal, whichever is earlier with liberty to renew the same, if required.

6. The civil applications are disposed of accordingly.

Sd/-

[K. K. SONAWANE]
JUDGE

MTK.