

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

CIVIL APPLICATION NO. 7585 OF 2018 IN FA/1772/2017

RAGHUNATH VITTHAL PATIL DIED HIS LRS VIJAYSINGH RAGHUNATH
PATIL AND ORS
VERSUS
THE EXECUTIVE ENGINEER, MINOR IRRIGATION MEDIUM PROJECT,
BHOOM THR M.K.V.D.C. PUNE

...
Advocate for Applicants : Mr. Estling S. Murge.
Advocate for Respondent No.1 : Mr. A. N. Gaddime.
AGP for Respondent No.2 : Mr. A. M. Phule.

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CORAM : K.K. SONAWANE, J.
DATED : 22nd JUNE, 2018.

Order :-

1. Heard learned counsel for appearing parties. Perused the application and relevant documents placed on record.
2. It has been submitted that pursuant to order, the 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 16th November, 2017 in Civil Application No. 13575 of 2017 and connected civil applications, has allowed the applicants-claimants therein to withdraw 90% amount of the 60 % amount deposited in this Court and rest 10% remaining balance amount was directed to be kept in the Fixed Deposit Receipts account. The learned counsel for applicants requested to pass similar nature of order in present application.

3. Mr. Gaddime, learned counsel for respondent – Acquiring Body has no objection to pass similar order in this application.

4. In view of nature of the subject matter and earlier order passed by this Court, there is no impediment to allow the applicants-original claimants to withdraw the compensation amount. Hence, application deserves to be allowed.

5. Accordingly, the application is partly allowed. The applicants-original claimants are 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in this Court subject to condition of furnishing undertaking to the effect that applicant would refund the amount so withdrawn in case any adverse situation arises in the appeal.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 Fixed Deposit Receipts 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. The Registry to do the needful for disbursement of the amount as mentioned above. The civil application stands disposed of in above terms. No order as costs.

[K. K. SONAWANE]
JUDGE

rrd.