

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

CIVIL APPLICATION NO. 7584 OF 2018
IN FA/857/2016

SUDHAKAR RAMBHAU PAWAR
VERSUS
THE EXECUTIVE ENGINEER LIFT IRRIGATION DIVISION OSMANABAD
THR GMIDC AURANGABAD AND ANOTHER

...
Advocate for Applicant : Mr. Ganesh J. Kore.
Advocate for Respondent No.1 : Mr. S. R. Dheple.
Advocate for Respondent No.2 : Mr. A. M. Phule.
...

CORAM : K.K. SONAWANE, J.

DATED : 22nd JUNE, 2018.

Order :-

1. Heard Mr. Kore, learned counsel for applicant-original claimant and Mr. Dheple, learned counsel for respondent No.1 - Acquiring Body. Mr. B. V. Virdhe, learned AGP for respondents No. 2 and 3- State. Perused the application and relevant documents.
2. Learned counsel for the applicants has tendered across the bar a photo-stat copy of the order dated 6th April, 2018 passed by the Co-ordinate Bench of this Court (Coram : S. P. Deshmukh, J.) in civil application No. 3027 of 2018 with other connected civil applications. He submits that this Court has already granted permission for withdrawal of 75% of the amount deposited in this Court on certain terms and conditions to the applicants, whose lands were acquired for the same project under the same notification. He prayed to pass similar nature of order in favor of applicants.
3. Learned counsel for respondent- Acquiring Body and learned AGP for respondents - State and fairly conceded that suitable order may be passed.

4. In view of nature of the subject matter and earlier order passed by Co-ordinate Bench of this Court, there is no impediment to adopt the same approach for allowing the applicant-claimant for withdrawal of the decretal amount deposited in this Court. Therefore, application deserves to be partly allowed.

5. Accordingly, civil application is allowed partly. The applicant-original claimant is permitted to withdraw 50 % of the amount of compensation deposited in this Court on furnishing undertaking that any contingency arises after decision of the appeal on merit, the applicant-original claimants would refund the amount forthwith as per directions of this court. The applicant-original claimant is also further permitted to withdraw the 25 % of the balance amount deposited in this Court on furnishing the bank guarantee of any nationalized/scheduled bank of like amount to the satisfaction of learned Registrar of this court. Rest of 25% decretal amount be invested in Fixed Deposit Receipts account in any Nationalized Bank initially for a period of two years or till decision of the appeal, which ever is earlier, with liberty to renew the same if so required. The civil application stands disposed of in above terms. The Registry to do the needful for disbursement of the amount as mentioned above.

[K. K. SONAWANE]
JUDGE

rrd.