

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

958 CIVIL APPLICATION NO. 8480 OF 2018
IN
FA/1537/2016

BHAGWAT VITHALRAO KALE

VERSUS

THE EX. ENGINEER LOWER DUDHANA PROJECT
DIV. SAILU AND ANR.

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Ms. A.D.Rakh, Advocate for applicant.

Mr. S.G.Bhalerao, Advocate for R – 1.

Mr. A.M.Phule, A.G.P. for R – 2 - State.

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CORAM : V.L.ACHLIYA, J.

DATE : 27th JULY, 2018

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ORAL ORDER :

1. The applicant has moved this application seeking permission to withdraw the amount lying deposited with the Court by respondent No. 1 – acquiring body towards acquisition of land.

2. Heard learned counsel for the applicant and respondent – acquiring body. Perused the Award.

3. Learned counsel for the applicant submits that Appeal preferred by respondent No. 1 – acquiring body settled the dispute in Lok Adalat held on 27/04/2017. The acquiring body has withdrawn the Appeal pursuant to the policy decision taken by the State Govt. In this back-ground, learned counsel submits that the applicant be permitted to withdraw the balance amount lying deposited by the acquiring body in terms of Award passed by the Reference Court.

4. Mr. Bhalerao, learned counsel for the acquiring body and

learned A.G.P. submit that they have no objection to pass appropriate order in view of disposal of Appeal.

5. As per the office report, amount of Rs. 14,14,562/- was deposited by the acquiring body. Out of which amount to the extent of 50% i.e. Rs. 7,07,281/- paid to the applicant/claimant as per order dated 06/05/2016. Now, Rs. 7,07,281/- with accrued interest thereon amounting to Rs. 1,21,858/- i.e. total amount of Rs. 8,29,139/- is available for disbursement.

6. In view of withdrawal of Appeal and the finality attained to the Award passed by the Reference Court, the applicant is entitled to receive the balance amount lying deposited in the Court.

7. In that view, the application is allowed in terms of prayer clause 'B'. The applicant is allowed to withdraw the amount lying deposited with the Court. The registry is directed to pay the amount of Rs. 8,29,139/- with further interest, if any, accrued till the date of withdrawal of amount to the applicant by transferring the amount in the savings bank account of the applicant/claimant on furnishing the particulars of account by the applicant. On transfer of amount, the Award passed in terms of Award by the Reference Court be treated as satisfied.

8. Copy of order also be sent to the Reference Court for recording satisfaction of Award.

9. The application disposed of in above terms.

[V.L.ACHLIYA]
JUDGE

