

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

**945. CIVIL APPLICATION NO. 9620 OF 2017
IN FA/3516/2016 WITH FA/3515/2016**

SITARAM TOTARAM KUMAWAT

VERSUS

THE EXECUTIVE ENGINEER NANDUR MADHMESHWAR CANAL DIV.
VAIJAPUR, AURANGABAD THR GMI AND OTHERS

Mr Abhishek M. Hajare, Advocate for applicant.

Mr V.R. Sonwalkar, Advocate for respondent No.1 .

*Mr Shashibhushan P. Deshmukh, Asstt. Govt. Pleader for
respondent No. 2 & 3.*

CORAM : SUNIL P. DESHMUKH, J.

DATE : 27th April 2018

ORDER :

Learned Counsel appearing for parties point out that this application is left out matter from the group of Civil Application bearing No. 8485 of 2017 in First Appeal (Stamp) No. 21613 of 2014 and companion applications, wherein vide order dated 30th June 2017, this Court has allowed applicants therein to withdraw 75% of the deposited amount on submitting an undertaking that in the event any adverse order is passed against them, they will re-deposit the said amount within four weeks of passing such order; and balance 25% amount has been directed to be invested in fixed deposit in a nationalized bank, initially for a period of two years and if so required for further period till disposal of the appeal.

2. There is no dispute that present application pertains to withdrawal of compensation amount deposited by acquiring body in this Court in respect of the land acquired under the same notification for same project and is from the same village and it is covered under same award and is from the same tract of land as are concerned in civil applications referred to earlier.

3. It, thus, would be expedient that this application may also be given same treatment as had been received by Civil Application No. 8485 of 2017 in First Appeal (Stamp) No. 21613 of 2014 and companion applications.

4. In the circumstances, applicant is allowed to withdraw 75% of the deposited amount on submitting undertaking that in the event any adverse order is passed against him, he will re-deposit the said amount within four weeks of passing such order.

5. Balance 25% amount be invested in fixed deposit receipt in a nationalized bank, initially for a period of two years and, if so required, for further period till disposal of the appeal.

6. Civil Application is, accordingly, disposed of in above terms.

(SUNIL P. DESHMUKH)
JUDGE.