

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

**31 CIVIL APPLICATION NO. 9956 OF 2018
WITH CA/10154/2016 IN FA/124/2014**

MANIKCHAND SHANTILAL PATODI

VERSUS

EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION NO.1,
AURANGABAD AND ANOTHER

...

Advocate for Applicant: Mr. P.D. Deshmukh h/f Mr.
Y.P. Deshmukh

AGP for Respondents/State: Mr. A.M. Phule

Advocate for Respondent No.1 : Mr. B.R. Surwase

...

CORAM : P.R. BORA, J.

DATED : 03rd SEPTEMBER, 2018.

PER COURT:-

1. Heard Shri Pradeep Deshmukh, learned counsel appearing for the applicant and Shri B.R. Surwase, learned counsel appearing for the acquiring body.

2. The learned counsel pointed out that previously, the acquiring body had deposited 50% of the total amount of compensation and out of the said amount, this Court vide order dated 11.08.2014 has permitted the applicant to withdraw 75% of the said amount, on giving an undertaking and balance 25% of the amount was directed to be deposited in a nationalized bank.

(2)

3. The learned counsel submits that now the acquiring body has deposited balance 50% of the amount of compensation. In the circumstances, learned counsel prayed for permitting the withdrawal on the similar lines as was permitted by this Court vide order passed on 11.08.2014. Though, the learned counsel for the acquiring body has resisted the application, I do not see any reason for taking any contrary view. In view of the above, the following order is passed:

ORDER

- (i) The applicant is permitted to withdraw 75% of the now deposited amount, on submitting an undertaking to the satisfaction of the Registrar of this Court.
- (ii) Balance 25% of the amount be invested in Fixed Deposit Receipt in any nationalized Bank, initially for a period of one year and if so required, for the further period till disposal of the appeal.
- (iii) The Civil Application for withdrawal of amount stands disposed of.

(P.R. BORA, J.)