

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

912 CIVIL APPLICATION NO. 289 OF 2018
IN FA/1049/2014

SHIVAJI GANPAT NAGWE
VERSUS
THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION JALNA,
UNDER GMIDC, AURANGABAD

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913 CIVIL APPLICATION NO. 293 OF 2018
IN FA/1047/2014

BHIKAJI GANPAT NAGRE @ NAGWE
VERSUS
THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION JALNA,
UNDER GMIDC, AURANGABAD

914 CIVIL APPLICATION NO. 296 OF 2018
IN FA/1048/2014

RAMNATH DEORAO SAGDE
VERSUS
THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION JALNA,
UNDER GMIDC, AURANGABAD

915 CIVIL APPLICATION NO. 300 OF 2018
IN FA/1045/2014

JAGANNATH BABURAO @ BHAURAO NAGWE
VERSUS
THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION JALNA,
UNDER GMIDC, AURANGABAD

Advocate for Applicants-claimants : Mr. Swapnil S. Patunkar

Adv. for Respondent no. 1 : Mr. B.R. Surwase

AGP for Respondent : Mr. R.B. Bagul in CA 289 of 2018

Mr. B.V. Virdhe in CA 293 of 2018

Mr. A.D. Namde in CA 296 of 2018

Mr. R.B. Bagul in CA 300 of 2018

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CORAM : K.K. SONAWANE, J.

DATED : 11th JANUARY, 2018.

Order :-

1. Heard learned counsel for appearing parties.
2. Learned counsel for applicants-claimants submits that the dispute pertains to compensation, came to be settled amicably before the Lok-Adalat, which was held on 09-12-2016. After negotiation both parties are agreed for compensation to the extent of 85% amount allowed to be enhanced by Reference Court with interest accrued thereon upto 31-12-2015. Pending the appeal, respondent - Acquiring Body has already deposited 50% of the compensation amount payable to the applicants-claimants.
3. Mr. Swapnil Patunkar, learned counsel asserted that 50% of the amount deposited earlier by the respondent-Acquiring Body in the appeals was withdrawn by applicants-claimants. After settlement of the dispute amicably in Lok-Adalat, rest of the balance of 35% amount payable to the claimants came to be deposited by respondent - Acquiring Body in this court. The applicants/original claimants, therefore, filed present application seeking permission for withdrawal of the same.
4. Learned counsel for the respondent - Acquiring Body has no objection for allowing the claimants to withdraw the amount deposited in this court by it.
5. In view of subject-matter and reasons mentioned in the application, there is no impediment to allow the applicants-original claimants for withdrawal 35% amount deposited later-on by the respondent -Acquiring Body in this Court. Admittedly, the matter came to be settled in Lok-Adalat on 09-12-2016. The total amount of enhanced compensation awarded by the Reference Court was taken into consideration, out of which 85% amount was allowed to be paid to the applicants-claimants. Accordingly, 50% amount deposited earlier in this court were already disbursed in favour of the applicants-claimants and remaining 35% amount is to be paid, for which applicants filed present applications.

6. In such circumstances, applications stand allowed in terms of prayer clause "b". Registry to do the needful for disbursement of the amount deposited by the respondent-Acquiring Body in favour of the applicants-original claimants, being enhanced compensation amount for their acquired land, as directed above.

7. Accordingly, application stands disposed of in above terms.

Sd/-
[K. K. SONAWANE]
JUDGE

MTK.