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

**952 CIVIL APPLICATION NO. 13429 OF 2018
IN FA/4675/2017**

PRASAD SHANKARRAO @ YADAVRAO BAGAL
VERSUS
EXECUTIVE ENGINEER, IRRIGATION SERVEY AND
INVESTIGATION DEPT., NOW LIFT IRRIGATIO

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Advocate for Applicant : Mr. Muley Pramod N
AGP for Respondents: Mr. R.B. Bagul
Advocate for Respondent No.1 : Mr. B R Surwase

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**CORAM : P.R. BORA, J.
DATED : 30th OCTOBER, 2018.**

PER COURT:-

. Heard the learned counsel for the parties.

2. The applicant is seeking withdrawal of the amount deposited by the acquiring body. The application is opposed by the learned counsel for the acquiring body. The learned counsel for the acquiring body contended that when the SLAO had offered compensation at the rate of Rs. 1,610 per R, the Reference Court has enhanced it to Rs. 15,000/- per R. The learned counsel submits that the Reference Court has enhanced the compensation arbitrarily.

3. The learned counsel for the applicant brought to my notice that in the companion appeals this Court (Coram: K.K. Sonawane, J.) vide order passed on 14.06.2018 has permitted the claimants

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before it to withdraw 50% of the deposited on furnishing undertaking, 25% of the amount on furnishing Bank guarantee and remaining 25% amount is directed to be invested in fixed deposit receipt. The learned counsel has tendered across the bar the copy of the said order. In view of the submissions so made, the following order is passed:

ORDER

- i) The application is partly allowed.
- ii) The applicant is permitted to withdraw 50% of the deposited amount on furnishing an undertaking to the satisfaction of the Registrar (Judicial) of this Court.
- iii) The applicant is further permitted to withdraw 25% of the deposited amount on furnishing Bank guarantee in the like amount of any Nationalized/Scheduled Bank.
- iv) Balance 25% of the amount be invested in fixed deposit receipt in any nationalized bank for the period of two years and if so required for the further period till disposal of the appeal.

(P.R. BORA, J.)