IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

922 CIVIL APPLICATION NO.14946 OF 2018
IN FA/747/2014

ASHOK DADARAO DESHMANE, L.RS. LAXMI AND OTHERS
VERSUS
GODAVARI MARATHWADA IRRIGATION DEVELOPMENT CORPORATION, MINOR IRRIGATION DIVISION

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Advocate for Applicants : Mr.Ingale Vivekanand V.
Advocate for Respondent No. 1 : Mr. Prashant S. Shinde
AGP for Respondent No. 2: Mr. R.B.Bagul

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CORAM : SUNIL K.KOTWAL, J.

DATE : DECEMBER 14, 2018

O R D E R :

The applicants have moved these applications for withdrawal of amount deposited by the appellant – acquiring body in terms of interim order passed by this Court to stay the execution of Award passed by the Reference Court.

2. Heard learned counsel for the applicants and respondents. Perused the Award passed by trial Court.

3. Learned counsel for respondent No. 1 opposed the withdrawal of amount with contention that the appellant has good case. He submits that the enhancement awarded by the Reference Court is more than

five times and that too without sufficient evidence to seek such enhancement.

4. On the other hand, learned counsel for the applicants supported the order passed by the Reference Court with contention that the sale instances relied by respondent No. 1 were duly considered while assessing the compensation. He submits that acquisition was made in the year 1993. The applicants are deprived of compensation for last 25 years. He, therefore, urged to allow the applicants to withdraw entire amount.

5. Considering the overall facts of the case and the grounds raised in the appeal, I am of the view that passing of following order would meet the ends of justice.

ORDER

[i] Subject to outcome of appeal, the applicants are permitted to withdraw 60% of amount deposited by acquiring body on furnishing undertaking to the effect that in the event the Award is set aside or modified, the applicants shall deposit the amount within twelve weeks from the date of passing of order of

redeposit of amount. On furnishing undertaking, the amount to the extent of 60% permitted be transferred in the savings bank account of the applicants.

[ii] Balance amount of 40% of the deposited be invested in fixed deposit initially for a period of three years with direction to reinvest the same till further orders from the Court.

6. The applications are disposed of in above terms.

[**SUNIL K.KOTWAL, J.**]

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