

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

16 CIVIL APPLICATION NO. 14408 OF 2018
IN FAST/15445/2017

BALIRAM TULSIRAM MANE AND ORS
VERSUS
THE DY. CHIEF ENGINEER (CONSTRUCTION) C.R. PUNE AND ORS

...
Advocate for Applicant : Mr. S.V.Gundre
Advocate for Respondent no.1 : Navandar Manish N.
AGP for Respondents 2 and 3 : Mr. S.N.Morampalle
....

CORAM : SUNIL K. KOTWAL, J.

DATE : DECEMBER 03, 2018

O R D E R :

Heard learned counsel for the applicant, who is original claimant and learned counsel for respondent acquiring body.

Perused the impugned judgment. After going through the judgment, it emerges that though agricultural land was acquired, compensation awarded is on square feet basis after considering the judgment passed in L.A.R. No. 172 of 2001. At this stage, it is not proper to express my opinion on merits of the matter. However, I feel it proper to allow the

applicant to withdraw 50 per cent amount of the compensation deposited in this appeal, subject to filing of written undertaking within a period of 12 weeks from the date of passing of this order to deposit the withdrawn amount as and when directed by this Court. Out of the remaining amount, 25 per cent amount be withdrawn by furnishing solvent security for the said amount. Remaining 25 per cent amount be invested in the fixed deposit in any Nationalized Bank till final disposal of the appeal.

The Registrar (Judicial) to act accordingly.

Civil Application is disposed of.

[SUNIL K. KOTWAL, J.]

dbm