

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

**CIVIL APPLICATION NO. 5739 of 2018 IN
FIRST APPEAL (STAMP) NO. 10625 of 2016**

Anil S/o Bapurao Doke and another

...**APPLICANTS**

VERSUS

The Executive Engineer,
Krishna Khore, Osmanabad and State

...**RESPONDENTS**

Mr R.J. Nirmal, Advocate for applicants.

Mr A.N. Gaddime, Advocate for respondent No.1

Mr A.M. Phule, Asstt. Govt. Pleader for respondent No.2

CORAM : SUNIL P. DESHMUKH, J.

DATE : 27th April 2018

ORDER :

Learned Counsel appearing for parties point out that this application is similar to Civil Application bearing No. 3438 of 2017 in First Appeal (Stamp) No. 10621 of 2016, wherein vide order dated 28th April 2017 this Court has allowed applicants therein to withdraw 50% of amount deposited in this Court on furnishing undertaking to the satisfaction of Registrar (Judicial) of this Court and further permitted to withdraw 25% of the amount on furnishing solvent security to the satisfaction of the Registrar (Judicial) and balance amount has been directed to be invested in fixed deposit receipt in a nationalized bank initially for a period of five years and renewal thereafter as directed by this Court.

2. There is no dispute that present application pertains to withdrawal of compensation amount deposited by acquiring body in this Court in respect of the land acquired under the same notification for same project and is from the same village and it is covered under same award and is from the same tract of land as are concerned in Civil Application referred to earlier.

3. It, thus, would be expedient that this application may also be given same treatment as had been received by Civil Application No. 3438 of 2017.

4. In the circumstances, applicants are permitted to withdraw 50% of amount alongwith accrued interest deposited in this Court on furnishing undertaking to the satisfaction of Registrar (Judicial) and further permitted to withdraw 25% of amount on furnishing solvent security to the satisfaction of the Registrar (Judicial).

5. Balance amount shall be invested in fixed deposit in a nationalized bank initially for a period of five years and renewal thereafter as directed by this Court.

6. Civil Application is, accordingly, disposed of in above terms.

**(SUNIL P. DESHMUKH)
JUDGE.**