

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

**913 CIVIL APPLICATION NO.2837 OF 2019
IN FAST/6564/2016 WITH CA/3207/2016 IN FAST/6564/2016
WITH CA/3209/2016 IN FAST/6564/2016 WITH CA/3210/2016 IN
FAST/6560/2016 WITH CA/3212/2016 IN FAST/6560/2016**

**SADASHIV AMBADAS MALI (DIED) THR LRS GAJARABAI AND ORS
VERSUS**

**G.M.I.D.C. LTD. THR EXE ENGINEER, UPASA SINCHAN BHAVAN
M.I.W. MINOR IRRIGATION, O**

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Advocate for Applicants : Mr. Patil Jayant R.

AGP for Respondent: Mr. S. N. Morampalle

Advocate for respondent : Mr. R.C. Patil

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CORAM : SUNIL K. KOTWAL,J.

DATE : 14th June, 2019

PER COURT:

1. Heard learned counsel for the claimant, learned counsel for Acquiring Body and learned AGP for the State. With the help of learned counsel for both parties, I have gone through the judgment and award passed by the reference court. At this premature stage, it is suffice to say that certain irregularities have been committed by reference court while passing the award. The quantum of compensation appears to be exorbitant. In the circumstances, permission is granted to the claimant to withdraw only 25% amount of deposited amount by acquiring body, on furnishing undertaking to

redeposit the withdrawn amount as and when directed by this Court. In addition to this, claimant is permitted to withdraw 25% of compensation amount subject to condition that security shall be submitted before furnish for the withdrawn amount of the satisfaction of reference court.

2. The proportionate compensation amount together with accrued interest be transmitted to CJSD, Osmanabad for its disbursement and for receiving the undertaking and security. After receipt of undertaking and security, the same be transmitted to this Court in First Appeal (st) No.6564/2016.

3. Civil Application is disposed of.

(SUNIL K. KOTWAL, J.)