

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

**36 CIVIL APPLICATION NO.3060 OF 2019
IN FA/1583/2018 WITH FA/1569/2015 WITH CA/3259/2017 IN
FA/1583/2018 WITH CA/10127/2019 IN FA/1583/2018 WITH
CA/10128/2019 IN FA/1583/2018**

**LATUR GORAKSHAN SANSTHA, LATUR THR ITS PRESIDENT
DINESHKUMAR MURLIDHARJI INNANI
VERSUS
THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION, OSMANABAD
AND ORS**

...
Advocate for Applicant : Mr. Rathi Swapnil S.
AGP for Respondent: Mr. Y.G. Gujrathi
...

CORAM : MANGESH S. PATIL, J.

DATE : 11.12.2019

PER COURT :

Heard the learned advocate for the applicant which is the original claimant and the learned A.G.P. None is present for the acquiring body.

2. Learned advocate Mr. Rathi for the claimant submits that by the order dated 11.04.2018 the applicant claimant was allowed to withdraw 50% of the deposited amount with accrued interest. He submits that in fact, by virtue of the order on that stay application the acquiring body was expected to deposit the entire amount of the award together with interest and assuming that it would so deposit the amount, the order dated 11.04.2018 was solicited. Unfortunately, the acquiring body till date has not

deposited the entire amount of the award with interest. Consequently, virtually only 25% of the amount has been withdrawn by the claimant and the remaining amount which stands deposited being the remaining 25% of the entire amount of the award together with interest may be allowed to be withdrawn with the same terms and conditions.

3. The learned A.G.P submits that necessary order be passed, however, the claimant be put to the same terms and conditions.

4. It is apparent that the acquiring body has not deposited the entire amount together with interest in spite of the order dated 17.03.2017. Even subsequently by the order dated 22.11.2019 this Court had directed the acquiring body to deposit the balance amount but to no effect.

5. In view of the above state of affairs, the application is allowed. The applicant claimant is allowed to withdraw Rs.1,42,69,333/-, 50% by furnishing solvent security and 50% by furnishing usual undertaking, together with interest.

(MANGESH S. PATIL, J.)

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