

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.2901 OF 2019
IN
FIRST APPEAL (STAMP) NO.38606 OF 2017
(Jijaram Mahadeo Doke and others Vs. The Executive
Engineer, Kukadi Left Bank Canal, sub-Division,
Kolwadi and another)

Mr. Ajay G. Talhar, Advocate for the applicants
Mr. G.B. Rajale, Advocate for respondent No.1
Mr. S.P. Deshmukh, A.G.P. for the respondent/State

CORAM : SUNIL K. KOTWAL, J.

DATE : 3rd MAY, 2019

ORDER :

Heard learned counsel for the applicants and learned counsel for the Acquiring Body as well as learned A.G.P. for the State.

2. This application is filed for withdrawal of compensation amount awarded by the Reference Court. With the help of learned counsel for both the parties, I have gone through the judgment and award passed by the Reference Court. Certain irregularities have been pointed out by the learned counsel for the Acquiring Body. However, at this premature stage, I need not

express my opinion on merits. So also, learned counsel for the applicants has pointed out that the applicants are in need of some funds for knee replacement surgery of one of the applicants. Considering all these circumstances, I feel it proper to allow the applicants to withdraw only 50% amount of compensation out of the deposited amount with proportionate accrued interest thereon subject to filing of written undertaking in First Appeal to re-deposit the withdrawn amount as and when directed by this Court. The balance amount shall be invested in fixed deposit in any nationalized bank till final hearing of the appeal. As the compensation amount is deposited before the Executing Court, even the written undertaking shall be filed before that Court and the Executing Court shall transmit that undertaking in First Appeal (Stamp) No.38606/2017. The undertaking shall be filed within a period of four weeks from the date of passing of this order. The Registrar (Judicial) to act accordingly. Civil Application is accordingly allowed and disposed of.

[SUNIL K. KOTWAL]
JUDGE