

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

**CIVIL APPLICATION NO. 8459 OF 2019
IN CA No.2235/17 IN FA/1526/2012**

GIRJABAI APPARAO HUDGE DIED THR LRS SUDHAKAR AND ORS
VERSUS
THE G.M.I.D.C. THR ITS EXECUTIVE ENGINEER, MINOR IRRIGATION
DIVISION, LATUR AND A

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Advocate for Applicants : Mr. Gajanan K Sontakke
Advocate for Respondent No. 1 : Mr. S.G. Sagle
AGP for Respondent No. 2: B.V. Virdhe

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CORAM : K.K. SONAWANE, J.

DATED : 18th NOVEMBER, 2019.

ORDER :-

1. The applicants preferred present application seeking modification of the impugned order dated 21st December, 2017 passed by this Court in Civil Application No. 2235 of 2017. While passing the order a condition was imposed on the applicants to withdraw 60% of compensation amount by furnishing bank guarantee of Nationalized Bank. The learned counsel submits that though the applicants have taken massive efforts to get bank guarantee from Nationalized Bank, but they did not succeed. The applicants are ready to furnish bank guarantee of any Scheduled Bank for withdrawal of the amount. Therefore, they seeks such modification in aforesaid order.

2. Mr. Sangle, learned counsel for respondent - Acquiring Body fairly conceded for the same and submits that suitable order may be passed in the interest of justice.

3. Admittedly, the applicants – original claimants filed reference proceeding under Section 18 of the Land Acquisition Act for

compensation for acquisition of their land. A Reference Court has enhanced the compensation but applicants did not satisfy with the quantum awarded by the Reference Court towards enhanced compensation. Therefore, they preferred the present first appeal for redressal. Pending the appeal, respondent-Acquiring Body deposited the enhanced compensation amount awarded by the Reference Court, however, for withdrawal of compensation amount the aforesaid condition was imposed on the applicants.

4. In view of attending circumstance, there is no impediment to modify the impugned order dated 21st December, 2019. Hence, application stands allowed in terms of prayer clause "B" The impugned order dated 21st December, 2017 is hereby modified and the applicants-original claimants are permitted to withdraw 60% of compensation amount deposited in this Court by the respondent-acquiring body on furnishing bank guarantee of like amount of any Nationalized Bank or Scheduled Bank. Registry to take appropriate steps for disbursement of compensation amount in favour of the applicants accordingly after due compliance.

5. The civil application stands disposed of in above terms.

[K. K. SONAWANE]
JUDGE

MTK