

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

38 CIVIL APPLICATION NO.5329 OF 2019
IN FAST/35417/2013
WITH CA/5313/2019 IN FAST/35432/2013
WITH CA/5319/2019 IN FAST/35435/2013
WITH CA/5320/2019 IN FAST/35441/2013
WITH CA/5322/2019 IN FAST/35444/2013
WITH CA/5323/2019 IN FAST/35429/2013
WITH CA/5324/2019 IN FAST/35333/2013
WITH CA/5325/2019 IN FAST/35330/2013
WITH CA/5326/2019 IN FAST/35296/2013
WITH CA/5328/2019 IN FAST/35423/2013

**SANDU KHANDERAO JADHAV AND OTHERS
VERSUS
THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION,
AURANGABAD AND ORS**

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Advocate for Applicants : Mr. Hajare Abhishek M.
AGP for Respondents 2 & 3 : Mr. A.M. Phule.
Advocate for Respondent No. 1 : Mr. R.C. Patil.

**CORAM : MANGESH S. PATIL, J.
DATE : 29/11/2019**

PER COURT :

Heard both the sides. The original claimants are seeking withdrawal of the amount deposited by the Acquiring Body in this Court while preferring the appeal.

2. The learned advocate for the Acquiring Body submits that the Reference Court has awarded exorbitant compensation. Though it has rejected the report of the Valuer still it has proceeded to give a higher rate. Therefore the claimants may not be allowed to withdraw the entire amount

of compensation.

3. The learned advocate for the claimants points out that in some of the matters decided by the Reference Court the Acquiring Body has not chosen to file appeals albeit it has awarded the same rate.

4. Taking into account the entire conspectus of the matter, in my considered view the applicants can be allowed to withdraw 75% of the amount deposited in this Court.

5. The Applications are allowed. The applicants are allowed to withdraw 75 % of the amount deposited in this Court, 50% by furnishing undertaking in usual terms and conditions and 25% by furnishing solvent surety in the like amount.

6. The Civil Applications are disposed of.

(MANGESH S. PATIL, J.)

mkd