

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

**974 CIVIL APPLICATION NO.7257 OF 2019
IN FA/5231/2017**

**ASALAMKHAN SATTARKHAN PATHAN
VERSUS
THE EXECUTIVE ENGINEER MINOR IRRIGATION DIVISION,
OSMANABAD AND ANR**

...
Advocate for Applicant : Mr. Ingale Vivekanand V.
Advocate for Respondent No.1 : Mr. B.B. Gunjal
AGP for Respondent No.2 : Mr. S.P. Deshmukh
...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 28th JUNE 2019

ORDER :

1. Present application has been filed for withdrawal of the amount. The acquiring body has deposited amount of Rs.2,48,916/-. The appeal has been filed on the ground that LAO had determined the market rate at the rate of Rs.19,500/- per Hector, whereas the reference Court has enhanced the amount of Rs.40,000/- per Acre i.e. Rs.1,00,000/- per Hector.

2. Taking into consideration this aspect, when the appeal is filed, the interest of the appellant is also required to be protected therefore, the applicant is entitled to get 50% of the amount deposited. Hence, accordingly he is allowed to withdraw that amount subject to

submitting undertaking within a period of eight weeks that he would make the said amount good, if directed at the time of final disposal of the appeal.

3. Civil Application stands disposed of accordingly.

(Smt. Vibha Kankanwadi, J.)

Shubham/