

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**1023 CIVIL APPLICATION NO.9735 OF 2019
IN FA/1121/2018**

VITHAL KADUBA RODE

VERSUS

THE EX. ENGINEER, MINOR IRRIGATION DIVISION AT JALNA AND ORS

...

Advocate for Applicant : Mr. Korhalkar Aurn H. & Mr. S S Kalbande

AGP for Respondents/State : Mr. A.M. Phule

Advocate for Respondent No.1 : Ms. Reddy Ranjana D.

...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 23rd AUGUST, 2019

ORDER :

. Present application has been filed for withdrawal of the amount. Amount of Rs.56,83,928/- has been deposited. Learned Advocate for the acquiring body submits that the appeal has been filed on two grounds i.e. challenging the interest period and another is exorbitant amount awarded towards the fruit bearing trees. So also, quantum has been challenged.

2. Thus, taking into consideration the interest of both the sides, the applicant is allowed to withdraw amount of Rs.35,00,000/- subject to filing an 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 allowed and disposed of accordingly.

(Smt. Vibha Kankanwadi, J.)

Shubham/