

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

**1015 CIVIL APPLICATION NO.10614 OF 2019
IN FAST/26928/2013
WITH CA/10615/2019 IN FAST/26922/2013
WITH CA/10616/2019 IN FAST/26925/2013
WITH CA/10617/2019 IN FAST/26769/2013
WITH CA/10618/2019 IN FAST/26912/2013
WITH CA/10619/2019 IN FAST/26916/2013
WITH CA/10877/2019 IN RC/36/2014**

**BHAGURAM BAJIRAO BESKE
VERSUS
THE CHIEF ENGINEER (CONSTRUCTION) CENTRAL RAILWAY ANDORS**

...
Advocate for Applicant : Mr. Halkude Sharad S.
AGP for Respondents/State : Mr. A.M. Phule
Advocate for Respondent No.1 : Mr. D.V. Soman
...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 06th SEPTEMBER, 2019.

ORDER :

. All these applications are for withdrawal of the amount. Amount as per the award is stated to have been deposited by the acquiring body. Learned Advocate appearing for the acquiring body has strong objection for allowing the applications on the ground that there was no reason for the reference Court to increase the amount and this is also without any reason. Basically the quantum has been challenged.

2. The learned Advocate appearing for the applicants has relied on order passed by this Court in Civil Application No.1064 of 2016 and other connected matters dated 29.01.2016 allowing 75% of the amount of compensation to be withdrawn.

3. At the outset, it can be seen that the said order has been passed, but cannot be said to be binding on this Court. Each case has to be considered, as regards withdrawal of the amount is concerned, separately.

4. Taking into consideration the objections raised and the purpose for which the appeals have been filed, the applicants are allowed to withdraw 50% of the deposited amount subject to filing an undertaking within a period of eight weeks that they would make the said amount good, if directed at the time of final disposal of the appeals.

5. Civil Applications stand disposed of accordingly.

(SMT. VIBHA KANKANWADI, J.)

SCM