

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.11120 OF 2019

IN

FIRST APPEAL NO.1145 OF 2019

**(Atul Vyankatesh Deshpande and another Vs. Executive Engineer, Minor
Irrigation, Zilla Parishad, Osmanabad and others)**

Mr. Prasanna D. Dadpe, Advocate for the applicants

Mr. S.D. Kaldate, Advocate holding for Mr. Kailas U. More, Advocate
for respondent No.1

Mr. Y.G. Gujrathi, A.G.P. for respondent Nos.2 and 3

CORAM : MANGESH S. PATIL, J.

DATE : 09.12.2019

PER COURT :

Heard both the sides.

2. This is an application by the original claimants for withdrawal of the amount deposited by the Acquiring Body in this Court.

3. The learned A.G.P. submits that the Reference Court has awarded exorbitant increase in the compensation and even there is an error in issuing direction to pay interest from the date of the notification when it should have been from the date of the award.

4. The learned Advocate for the applicants/claimants points out that relying upon the earlier decision in a reference, the Reference Court has fixed the compensation as a parity. The claimants, therefore, may be

allowed to withdraw the entire amount deposited in this Court.

5. After having considered all the above mentioned aspects and the reasoning given by the Reference Court, in my considered view, it would be appropriate to allow the applicants to withdraw 75% of the amount of compensation deposited in this Court.

6. The application is allowed. The applicants/claimants are allowed to withdraw 75% of the amount deposited in this Court, 50% by furnishing an undertaking in usual terms and 25% by furnishing solvent security. The amount deposited in this Court be transmitted to the Reference Court and the applicants/claimants are allowed to withdraw the amount by furnishing an undertaking and solvent security as directed hereinabove before the Reference Court.

[MANGESH S. PATIL]
JUDGE