

drp

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 9664 OF 2019
IN
FIRST APPEAL NO.1410 OF 2019

Shirish Gopinath Deshpande

APPLICANT

VERSUS

The Executive Engineer Medium Project Division
Osmanabad and Others

RESPONDENTS

.....

Mr. Ramesh R. Mantri, Advocate for the applicant

Mr. S. N. Kendre, AGP for respondent - State

Mr. Suresh D. Dhongade, Advocate for respondent No. 1

.....

[CORAM : SUNIL P. DESHMUKH AND
S. M. GAVHANE, JJ.]

DATE : 16th AUGUST, 2019

ORDER :

1. Heard learned advocates for the parties.
2. Learned advocate for the applicant submits that about seventeen acre of land of the applicant falling within the municipal limits of Osmanabad town had been acquired and a very meagre compensation @ Rs.4,48,000/- per Acre has been granted. He further submits that with the loss of land, his income has dwindled and the family is in dire need of the amount. He further states that in fact, an appeal for

enhancement in compensation at his instance, is pending before this court.

3. Learned advocate Mr. Dhongade, on the other hand purports to submit that enhancement granted by the reference court is rather on higher side. He, therefore, submits that in the circumstances, from the amount deposited, reasonable amount may be allowed to be withdrawn by the applicant.

4. Looking at the circumstances, it appears to be expedient that the applicant, whose earning sources are stated to have been dwindled with acquisition of land, be permitted to withdraw the amount, subject to following conditions.

i. Applicant is permitted to withdraw 50% of the amount deposited in this court on filing undertaking to the effect that if the appeal is decided against the interest of the applicant, he would deposit back the amount being withdrawn under this order, within a period of eight weeks from the date of decision in first appeal.

ii. Further 50% of amount from the amount deposited in this court shall be allowed to be

withdrawn by the applicant subject to furnishing by him solvent security of the amount being withdrawn, to the satisfaction of the Registrar (Judicial).

5. Civil application stands disposed of.

[S. M. GAVHANE]
JUDGE

[SUNIL P. DESHMUKH]
JUDGE