

(1)

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

**966 FIRST APPEAL NO.439 OF 2015
WITH CA/12243/2014 IN FA/439/2015 WITH CA/914/2019
IN FA/439/2015**

**EXECUTIVE ENGINEER LOWER DUDHNA PROJECT SELU
VERSUS
PARAMESHWAR ASARAM GARDE AND OTHERS**

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Advocate for Appellant : Mr. Sangle Shirish G.
AGP for Respondents : Mr. S.J. Salgare
Advocate for Respondent No.1 : Mrs. Asha Rakh and
Mr. N.R. Avhad

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**CORAM : P.R. BORA, J.
DATED : 16th JANUARY, 2019.**

PER COURT:-

. The learned counsel appearing for the appellant on instructions seeks leave to withdraw the present appeal. The learned counsel further submitted that the acquiring body while depositing the amount of compensation in this Court has deposited the excess amount of Rs.21,342/-.

2. The learned counsel appearing for the original claimants concedes the aforesaid fact. In view of the submissions, the following order is passed:

ORDER

i) Leave granted. The appeal stands disposed of since withdrawn.

(2)

ii) Excluding the amount of Rs.21,342/- with interest accrued thereon from the date of deposit of the amount till today, balance amount with interest accrued thereon be remitted in favour of the original claimants who are respondents in the present appeal.

iii) The amount of Rs.21,342/- with interest, if any, accrued thereon from the date of deposit till today be refunded to the appellant.

iv) The appellant is entitled for the refund of Court fees in accordance with law.

v) Civil applications, if any, stand disposed of.

(P.R. BORA, J.)

Mujaheed//