

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

**943 CIVIL APPLICATION NO.1957 OF 2019
IN FA/404/2019**

KISAN SONBA PANSARE

VERSUS

**THE EXECUTIVE ENGINEER KUKADI LEFT BANK CANAL SUB
DIVISION, KOLWADI AND ANR**

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Advocate for Applicant : Mr. Karpe Rahul R.

Advocate for Respondent No.1 : Mr. G.B. Rajale

AGP for Respondent No.2/State: Mr. S.P. Deshmukh

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 21st JUNE 2019

ORDER :

1. Present application has been filed for withdrawal of the amount. Amount of Rs.3,02,173/- has been deposited by respondent No.1. The appeal has been filed by the acquiring body on the ground that the interest that has been awarded under Sections 28 and 34 of the Land Acquisition Act is from the date of the possession, when in fact it ought to have been from the date of the award.

2. Taking into consideration the limited controversy, case is made out for withdrawal of the amount.

3. Applicant is allowed to withdraw 60% of the amount which has been deposited. Further, as regards, remaining 40% amount is concerned, he is allowed to withdraw it by furnishing bank guarantee/solvent surety within a period of one month.

4. Civil Application stands disposed of.

(Smt. Vibha Kankanwadi, J.)

Shubham/