

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

CIVIL APPLICATION NO.530 OF 2020
IN FA/3237/2019

GAUTAM MAHADEO DHOLE
VERSUS
THE EX. ENGINEER, MINOR IRRIGATION DIV. OSMANABAD ANDORS

...
Advocate for Applicant : Mr. Vivekanand V. Ingale
Advocate for Respondent No.1 : Mr. Sunil P. Sonpawale
AGP for Respondent No.2 and 3 : Mr. S. P. Deshmukh
...

CORAM : K.K. SONAWANE, J.

DATED : 20th JANUARY, 2020.

ORDER :-

Heard learned counsel for the applicant-original claimant and learned counsel for respondent No.1 - Acquiring Body as well as learned AGP for respondent No.2 and 3. Perused the application and other relevant documents produced on record.

2. It is contended that, the applicant-original claimant filed reference petition bearing LAR No. 431 of 2011 for enhancement of compensation under Section 18 of the Land Acquisition Act, 1894, before the learned 2nd Joint Civil Judge, Senior Division, Osmanabad. Learned Reference Court partly allowed reference petition and granted enhancement of compensation and other statutory benefits as per Law. Being dissatisfied with impugned Judgment and Award, respondents-appellants filed proceeding of First Appeal No. 3237 of 2019 to redress their grievance. Pending the appeal, appellant-Acquiring Body deposited decretal amount in this Court. The applicant-original

claimant has filed present application seeking permission to withdraw decretal amount of compensation of Rs.4,06,372/-.

3. In view of nature of the subject matter and proceeding filed under Section 18 of Land Acquisition Act, 1894, I do not find any impediment to allow the applicant-claimant for withdrawal of compensation amount deposited in this Court. Definitely, it would subserve the purpose in the interest of justice. Therefore, Civil Application deserves to be allowed.

4. Accordingly, Civil Application stands allowed. The applicant-claimant is hereby permitted to withdraw 50% of the decretal amount deposited on behalf of appellant-Acquiring Body in this appeal on furnishing undertaking to the effect that in case adverse situation, if any, arises after adjudication of appeal on merit in favour of appellants, the applicant-claimant would refund the amount so withdrawn forthwith, as per order of this Court in the present proceeding. The applicant-claimant is further permitted to withdraw rest of the balance 50% amount of compensation on furnishing solvent surety of like amount to the satisfaction of the Registrar (Judicial) of this Court. The Registrar (Judicial) to do the needful for disbursement of the amount to the applicant-claimant as directed above.

6. The Civil Application stands disposed of in above terms.

Sd./-

[K. K. SONAWANE]
JUDGE