

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

**73 CIVIL APPLICATION NO.697 OF 2020
IN FA/2767/2018**

DATTATRAYA UMAJI BIDVE AND ORS
VERSUS
THE EX. ENGINEER, NIMNA DUDHANA PROJECT DIV. SAILU,
PARBHANI AND ORS

...

**74 CIVIL APPLICATION NO.698 OF 2020
IN FA/2768/2018**

SATYANARAYAN UTTAM BIDVE
VERSUS
THE EX. ENGINEER, NIMNA DUDHANA PROJECT DIV. SAILU,
PARBHANI AND ORS

...

Advocate for Applicants : Mr.M.P. Tripathi
AGP for Respondents No.2 & 3 : Mr.S.N.Morampalle &
Mr.P.M.Kulkarni in respective matters
Advocate for Respondent-Acquiring Body : Mr.Ram B. Deshpande

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CORAM : K.K.SONAWANE, J.

DATE: 17th February, 2020

PER COURT:-

1. Heard learned counsel for the applicants and learned counsel for the respondent-Acquiring Body.
2. The applicants have filed present applications seeking permission to withdraw decretal amount deposited in this Court by the respondent-Acquiring Body as per terms of compromise arrived at in the *Lok-Adalat* held on 14.12.2019. It has been contended that the matters have already been settled amicably in the *Lok-Adalat* and the proceeding of appeals came to be withdrawn as per terms of settlement. It has been contended that the respondent-Acquiring Body has deposited the decretal amount in this Court. The applicants are seeking permission to withdraw the same.

3. Learned counsel for the respondent-Acquiring Body submits that the applicants are entitled to get the amount of interest under Sections 28 and 34 as per the Judgment passed by full Bench of this Court in First Appeal Nos.2166 of 2014 and other connected matters, which are already referred in the purshis filed in the *Lok-Adalat*.

4. It is to be noted that learned counsel for the respondent-Acquiring Body did not produce any sheet of mathematical calculations showing the amount for which the respondent-Acquiring Body is entitled to get any refund. In such circumstances, there is no propriety for this Court nor it is the business of this Court to go for mathematical calculations to determine the amount of interest as per the award passed by the *Lok-Adalat*. The learned counsel for the respondent-Acquiring Body found reluctant to submit mathematical calculations of the interest as per the award of the *Lok-Adalat*. In such circumstances, there is no alternative but to allow the applicants to withdraw total amount deposited in this Court by the respondent-Acquiring Body. Hence, the applications stand allowed and disposed of.

5. The applicants are hereby allowed to withdraw entire amount deposited in this Court on behalf of respondent-Acquiring Body in respective matters.

6. Registry to take requisite steps for disbursement of amount in favour of the applicants.

(K.K.SONAWANE)
JUDGE

SPT