

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

**CIVIL APPLICATION NO.2944 OF 2020 IN
FIRST APPEAL ST.NO.15526 OF 2019**

Nivrathi s/o Krishnaji Chikate (died),
through L.Rs.

Applicants

Versus

The Chief Engineer,
Central Railway, Mumbai & others

Respondents

Mr.S.S.Halkude, advocate for the applicants.
Mr.D.V.Soman, advocate for Respondents No.1 & 2.
Mr.P.M.Kulkarni, AGP for Respondents No.3 & 4.

CORAM : V.K.JADHAV, J.

DATE : 25th November, 2020.

PC :

1 The learned Counsel for the applicants submits that this Court (**Coram: K.K.Sonawane, J.**), by an order dated 04th March, 2020 in Civil Application No.2942 of 2020 in F.A. St. No.15532 of 2019, has permitted the applicants-original claimants therein to withdraw the amount on certain conditions. Learned Counsel for the applicants submits that these applicants - original claimants, from the same award, may also be permitted to withdraw the amount on the same terms and conditions.

2 Mr.D.V.Soman, learned Counsel appearing for the acquiring body has also not disputed the earlier order passed by this Court permitting withdrawal of amount on certain conditions.

3 It appears that the award is dated 26th September, 2012. The LAO has awarded compensation @ Rs.2380/- per Are, whereas, the Reference Court has enhanced the compensation @ Rs.6500/- per Are.

4 In view of the above, applicants-original claimants herein are also entitled to withdraw the amount on the same terms and conditions, as directed in the aforesaid order.

5 Hence, the following order:

(i) Civil Application is partly allowed.

(ii) The applicants-original claimants are permitted to withdraw 50% amount, out of the amount deposited before this Court, on furnishing an undertaking to the satisfaction of the Registrar (Judicial) of this Court and 25% amount on furnishing solvent security/surety to the satisfaction of the Registrar (Judicial) of this Court.

(iii) Balance 25% amount shall be invested in fixed deposit in any Nationalised Bank, till final disposal of the appeal.

6 Civil Application is accordingly disposed of.

(V.K.JADHAV)
JUDGE

adb