

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

943 CIVIL APPLICATION NO. 2511 OF 2020
IN FA/2376/2019

SHIVLING PANDHARI MALI AND ORS
VERSUS
EX. ENGINEER, LIFT IRRIGATION DIVISION, OSMANABAD THREX.
ENGINEER, OSMANABAD AND

...
Advocate for Applicants : Mr. Ramesh V. Naiknavare
Advocate for Respondent No. 1 : Mr. S.G. Sangle
AGP for Respondents No. 2 and 3 : Mr. R.B. Bagul

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CORAM : K.K. SONAWANE, J.

DATED : 27th FEBRUARY, 2020.

ORDER :-

1. Heard learned counsel for parties.
2. The applicants-original claimants moved present application seeking permission to withdraw the compensation amount deposited in this Court pursuant to impugned Judgment and Award passed by Reference Court in the proceedings under Section 18 of the Land Acquisition Act, 1894 filed by the applicants-original claimants.
3. It has been contended that Land Acquisition Officer has awarded compensation to the acquired land of the applicants at the rate of Rs. 540/- per R whereas learned Reference Court calculated market value @ Rs. 4000/- per R. According to learned counsel for appellant-Acquiring Body, learned Reference Court has granted exorbitant and excessive compensation amount in favour of the applicants-original claimants. In view of factual aspect of the matter and circumstances on record, I find that the applicants are required to be allowed to withdraw some portion of the compensation amount, deposited in this Court, so it would sub-serve the purpose of substantial justice and also protect the interest of Acquiring Body. Therefore, there is no impediment to allow the application partly.

4. Accordingly, present civil application is partly allowed. The applicants-original claimants are allowed to withdraw 50% of the compensation amount deposited in this Court on furnishing undertaking to the effect that in case adverse situation arises, after decision of the appeal on merit in favour of appellant-Acquiring Body, the applicant would refund the entire decretal amount so withdrawn forthwith as per order of this Court, within stipulated period. The applicants are further permitted to withdraw 25% of balance decretal amount deposited in this Court on furnishing solvent surety of like amount for the satisfaction of Registrar (Judicial) of this Court. Rest of 25% balance decretal amount be invested in Fixed Deposit Receipt in any Nationalized Bank or Scheduled Bank for a period of two years or till adjudication of the appeal on merit, whichever is earlier. Registry to do the needful for disbursement of the compensation amount in favour of applicant as directed above.

5. The present Civil Application stands allowed in above terms.

[K. K. SONAWANE]
JUDGE

MTK