

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

952 CIVIL APPLICATION NO. 2026 OF 2020
IN FA/3909/2017

DINKAR SADASHIV BHADRE
VERSUS
THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION,
OSMANABAD THR GMIDC AURANGABAD

...
Advocate for Applicant : Mr. Vikas S. Tanwade
Advocate for Respondent No. 1 : Mr. S.R. Dheple
AGP for Respondent No. 2: Mr. P.M. Kulkarni

...
CORAM : K.K. SONAWANE, J.

DATED : 18th FEBRUARY, 2020.

ORDER :-

1. Heard learned counsel for parties.
2. Perused the application filed by the applicant seeking permission for withdrawal of compensation amount deposited in this Court. It has been contended that LAO has granted compensation at the rate of Rs. 160/- per R whereas Reference Court enhanced the compensation @ Rs. 1000/- per R. According to learned counsel for Acquiring Body, Reference Court has granted exorbitant and excessive compensation amount in this Court. Therefore, application may not be permitted to withdraw the decretal amount.
3. In view of nature of subject-matter and an attempt of the claimant for pursuing matter since 1998, it would be justifiable to allow the applicant for withdrawal of some of the portion of decretal amount. It would sub-serve the purpose in the interest of justice. Therefore, application deserves to be allowed partly.
4. Accordingly, application stands allowed partly. The applicant is hereby allowed to withdraw 50% of the compensation amount deposited in this Court, on furnishing undertaking to the effect that in case any adverse situation, if any arises, after decision of the appeal on

merit in favour of Acquiring Body, the applicants would refund the entire amount so withdrawn forthwith as per order passed by this Court. The applicant is also further allowed to withdraw 25% of the amount from rest of balance decretal amount on condition that the applicants furnish solvent surety of like amount to the satisfaction of Registrar (Judicial) of this Court. Remaining 25% amount be invested in Fixed Deposit Receipt in any Nationalized Bank for a period of two years or till decision of the present appeal, whichever is earlier. Registrar (Judicial) to do the needful for disbursement of the amount in favour of applicant, as directed above.

5. The civil Application stands disposed of in above terms. No order as to costs.

[K. K. SONAWANE]
JUDGE

MTK