

drp

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.3065 OF 2020
IN
FIRST APPEAL NO. 2745 OF 2019

Babu Muktaji Dutal

APPLICANT

VERSUS

The Executive Engineer, Beed Irrigation Division
and Another

RESPONDENTS

WITH
CIVIL APPLICATION NO.3066 OF 2020
IN
FIRST APPEAL NO. 2746 OF 2019

Dadarao Muktaji Dutal

APPLICANT

VERSUS

The Executive Engineer, Beed Irrigation Division
and Another

RESPONDENTS

.....

Mr. Pramod N. Muley, Advocate for the applicants
Mr. S. N. Kendre, AGP for respondent - State
Mr. B. R. Surwase, Advocate for respondent No. 1

.....

[CORAM : SUNIL P. DESHMUKH AND
B. U. DEBADWAR, JJ.]

DATE : 6th MARCH, 2020

ORDER :

1. These civil applications have been moved for withdrawal of amount deposited by respondent No. 1 – acquiring body in this court, with interest accrued thereon.

2. Learned advocate for the acquiring body contends that as a matter of fact, it would be revealed that the amount deposited in this court by the acquiring body exceeds the amount of compensation granted by reference court.

3. Although, this has been so submitted on behalf of the acquiring body, there does not appear to be any particular dispute on that the amount deposited forms part of the compensation as granted under the award passed by the reference court.

4. Having regard to various orders passed by benches of this high court and taking into account quite a few orders of the Supreme Court, we deem it appropriate to allow the applicants to withdraw the amount, deposited by the acquiring body in this court.

5. Half of the amount deposited be allowed to be withdrawn by the applicants on furnishing an undertaking that they indemnify the State Government against all claims in relation to the compensation amount being withdrawn and abide by final decision in appeal and to the effect that in case first appeals are decided against interest of the applicants, they would repay / redeposit the amount in this court within a period of eight weeks

from the date of such decision.

6. Remaining half of the amount deposited by the acquiring body in this court is allowed to be withdrawn by the applicants on furnishing solvent security / solvent surety to the satisfaction of Registrar (Judicial) of this court or on furnishing guarantee of a nationalized bank.

7. Civil applications stand allowed as aforesaid and are disposed of.

[B. U. DEBADWAR]
JUDGE

[SUNIL P. DESHMUKH]
JUDGE