

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

CIVIL APPLICATION NO.14680 OF 2019 IN FA/2958/2018

SAKHARAM HARIBHAU ANPAT
VERSUS
G.M.I.D.C., THR ITS THE EX. ENGINEER, MINOR IRRIGATION DIV.
JALNA AND ORS

...
Advocate for Applicant : Ms. Kalpana P. Mutatkar (Kale)
Advocate for Respondents No.1 and 3 : Mr. Prashant S. Shinde
AGP for Respondent No.2 : Mr. S. N. Morampalle
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CORAM : K.K. SONAWANE, J.

DATED : 17th MARCH, 2020.

ORDER :-

Heard learned counsel for the applicant-original claimant and learned counsel appearing for respondents No.1 and 3 as well as learned AGP for respondent No.2 - State of Maharashtra. Perused the application and other relevant documents produced on record.

2. Present application is filed seeking permission to withdraw balance compensation amount deposited in this Court in the proceeding of First Appeal No. 2958 of 2018.

3. Learned counsel for the applicant-claimant submits that proceeding of FA/2958/2018 has already been withdrawn by the appellant-Acquiring Body. No dispute remained in existence in regard to the market value of the acquired land. The appellant-Acquiring Body also deposited entire decreetal amount in this Court. The applicant moved application bearing CA/9904/2018 in FAST/5508/2016 for withdrawal of the amount. Accordingly, 60% of the deposited decreetal amount was allowed to be withdrawn. Now the proceeding of appeal is no more and withdrawn by the appellant-Acquiring Body, therefore, rest of 40 % amount remained deposited in this Court be allowed to withdraw by the applicant-claimant.

4. Mr. P. S. Shinde, learned counsel appearing for respondent-Acquiring Body has no objection to allow the applicant-claimant for withdrawal of balance amount deposited in this matter.

5. In view of aforesaid submissions and factum of withdrawal of original proceeding of First Appeal No.2958 of 2018 on the part of appellant Acquiring Body itself, there is no impediment to allow the applicant-claimant for withdrawal of balance compensation amount deposited in this Court. Therefore, the Civil Application deserves to be allowed.

6. The Civil Application is allowed in terms of prayer clause 'B'. The applicant-claimant is hereby permitted to withdraw the rest of the balance decretal amount remained deposited in the proceeding of First Appeal No. 2958 of 2018, on furnishing of undertaking to the effect that in case of any contingencies, the applicant-claimant would refund the amount so withdrawn forthwith, as per directions issued by this Court. Registrar (Judicial) to do the needful for disbursement of the amount in favour of applicant-claimant, as directed above.

7. The Civil Application stands disposed of in above terms.

Sd./-

[K. K. SONAWANE]
JUDGE

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