

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

CIVIL APPLICATION NO.1947 OF 2020 IN FA/3739/2018

AKSHY MAHADEV MALI
VERSUS
THE EX. ENGINEER, MINOR IRRIGATION MEDIUM
PROJECT, OSMANABAD AND ORS

...
Advocate for Applicant : Mr. Estling S. Murge
Advocate for Respondent No.1 : Mr. S. G. Karlekar (Absent)
AGP for Respondents No. 2 and 3 : Mr. P. M. Kulkarni

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

DATED : 24th FEBRUARY, 2020.

ORDER :-

Heard learned counsel for the applicant-original claimant and learned AGP for respondents No.2 and 3 - State of Maharashtra and Special Land Acquisition Officer. When the matter is called out, no one else appeared on behalf of respondent No.1 Acquiring Body. 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. 3739 of 2018.

3. Learned counsel for the applicant submits that matter has already been disposed of in Lok Adalat held on 8th September, 2018. The Acquiring Body has withdrawn the proceeding of first appeal taking recourse of Government Resolution dated 03-11-2016 and subsequent *corrigendum* dated 23-02-2017. Therefore, applicant is seeking permission for withdrawal of the rest of the balance decretal amount deposited in this Court.

4. Learned AGP for respondents No.2 and 3 has no any objection to allow the applicant-claimant for withdrawal of balance amount deposited in this matter.

5. In view of submission on the part of learned AGP and the circumstances on record of withdrawal of proceeding of First Appeal in Lok Adalat, 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 deposited in the proceeding of First Appeal No. 3739 of 2018 on furnishing undertaking to the effect that in case of any contingencies, the applicant-claimant would refund the amount so withdrawn forthwith, as per order of this Court in the present proceeding. 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