

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

CIVIL APPLICATION NO. 299 OF 2020

IN

FIRST APPEAL NO. 3970 OF 2016

DIGAMBARRAO DATTATRAYRAO BORADE

VERSUS

**THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION NO. 1
JALNA AND OTHERS**

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CIVIL APPLICATION NO. 300 OF 2020

IN

FIRST APPEAL NO. 3969 OF 2016

SHIVAJI SUNDARRAO BORADE

VERSUS

**THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION NO. 1
JALNA AND OTHERS**

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CIVIL APPLICATION NO. 301 OF 2020

IN

FIRST APPEAL NO. 3967 OF 2016

SAGAR VISHNUPANT PATIL AND ANOTHER

VERSUS

**THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION NO. 1
JALNA AND OTHERS**

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CIVIL APPLICATION NO. 302 OF 2020

IN

FIRST APPEAL NO. 3966 OF 2016

KAILAS ANILRAO BORADE

VERSUS

**THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION NO. 1
JALNA AND OTHERS**

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CIVIL APPLICATION NO. 303 OF 2020

IN

FIRST APPEAL NO. 3964 OF 2016

RAMESHWAR BHIKAJI BORADE

VERSUS

**THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION NO. 1
JALNA AND OTHERS**

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CIVIL APPLICATION NO. 304 OF 2020**IN****FIRST APPEAL NO. 3963 OF 2016****DHANANJAY CHABURAO KADAM****VERSUS****THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION NO. 1
JALNA AND OTHERS**

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CIVIL APPLICATION NO. 305 OF 2020**IN****FIRST APPEAL NO. 3961 OF 2016****SUNDARRAO SAKHARAMJI BORADE****VERSUS****THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION NO. 1
JALNA AND OTHERS**

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CIVIL APPLICATION NO. 306 OF 2020**IN****FIRST APPEAL NO. 3962 OF 2016****ANAND ANIL BORADE****VERSUS****THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION NO. 1
JALNA AND OTHERS**

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Advocate for applicant-Claimant : Mr. Deepak M. Kakade

Advocate for respondent No. 1: Mr. S.G. Bhalerao

AGP for respondents No. 2 and 3 : Mr. R.B. Bagul

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CORAM : K.K. SONAWANE, J.**DATED : 28th JANUARY, 2020.****ORDER :-**

Heard learned counsel for the applicants-original claimants and learned counsel for respondent No. 1 - Acquiring Body as well as learned AGP for respondent No. 2 and 3. Perused the applications and other relevant documents produced on record.

2. It is contended that, the applicants-original claimants filed reference petitions for enhancement of compensation under Section 18 of the Land Acquisition Act, 1894. The learned Reference Court partly allowed the reference petitions and granted enhancement of compensation and other statutory benefits as per Law. Being dissatisfied with the impugned Judgment and Award, respondents-appellants filed proceedings of First Appeals to redress their grievance. Pending the appeals, appellant-Acquiring Body deposited decretal amount in this Court. The applicants-original claimants have filed present applications seeking permission to withdraw decretal amount of compensation.

3. In view of nature of the subject matter and proceedings filed under Section 18 of Land Acquisition Act, 1894, I do not find any impediment to allow the applicants-claimants for withdrawal of some of the portion of compensation amount deposited in this Court. Definitely, it would sub-serve the purpose in the interest of justice. Therefore, Civil Applications deserve to be allowed.

4. Accordingly, Civil Applications stand partly allowed. The applicants-claimants are hereby permitted to withdraw 50% of the decretal amount deposited on behalf of appellant-Acquiring Body in the present proceedings on furnishing undertaking to the effect that incase adverse situation, if any, arises after adjudication of appeal/s on merit in favour of appellants, the applicants-claimants would refund the amount so withdrawn forthwith, as per order of this Court in the present proceedings. The applicants-claimants are further permitted to withdraw 25% of the balance amount of compensation on furnishing

solvent surety of like amount to the satisfaction of the Registrar (Judicial) of this Court. The rest of the balance 25% of the amount be invested in fixed deposit receipt account, in any Nationalized Bank for a period of two years or till adjudication of First Appeals, whichever is earlier. The Registrar (Judicial) to do the needful for disbursement of the amount to the applicants-claimants as directed above.

5. The Civil Applications stand disposed of in above terms.

Sd./-

[K. K. SONAWANE]
JUDGE

MTK