

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.3891 OF 2021 IN
FIRST APPEAL NO.538 OF 2020

Bhika Kashinath Karpe

... APPLICANT

VERSUS

The Executive Engineer,
Minor Irrigation Division No.1
Aurangabad & anr.

... RESPONDENTS

.....
Mr. D.A. Bide, Advocate for applicant
Mr. S.C. Arora, Advocate for respondent No.1.
Mr. A.M. Phule, A.G.P. for respondent No.2
.....

CORAM : R. G. AVACHAT, J.

DATE : 12th JULY, 2021

PER COURT :

This is an application for withdrawal of the amount of compensation under the award, which is already deposited in this Court.

2. The land of the applicant has been acquired. He is, therefore, entitled for withdrawal of the amount of compensation. The question is how much of compensation is to be allowed to be withdrawn.

3. Considering the submissions and perusal of the impugned award, it would be desirable to allow the applicants to withdraw 75% of the amount of compensation deposited in this Court on following conditions :-

- (a) Out of the amount deposited, 50% amount be paid to the applicant on his executing an undertaking and 25% amount be paid on furnishing solvent surety to the satisfaction of the Registrar (Judicial) of this Court.
- (b) Remaining 25% amount be kept in fixed deposit in any Nationalised Bank, pending the appeal.

4. The Civil Application is accordingly disposed of.

(R. G. AVACHAT)
JUDGE

fmp/-