

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

**21 CIVIL APPLICATION NO. 1642 OF 2021
IN FAST/25277/2019**

**RAOSAHEB SHRIRANG BHOSALE
VS
THE EX. ENGINEER, MINOR IRRIGATION DIVISION,
OSMANABAD AND OTHERS**

Mr. Sushant B. Choudhari, Advocate for the applicant
Mr. B. R. Surwase, Advocate for the respondent No.1
Mr. A. A. Jagatkar, AGP for the respondent/State

CORAM : N. J. JAMADAR, J.

DATE : 01-03-2021

P. C.

. This is an application for withdrawal of amount deposited by the respondent No.1-acquiring body pursuant to the judgment and award dated 02-05-2016, passed by the Reference Court.

2. The applicant claims that the acquired land was the only source of livelihood of the applicant. Thus, he is in dire need of money deposited by the respondent No.1

3. Learned counsel for the respondent No.1 opposed the prayer on the ground that there is a steep increase in the compensation awarded by the reference court. The sum of Rs.

14,86,954/- is deposited by respondent No.1.

4. The reasons assigned in the application for withdrawal of amount seems justifiable. It would be expedient to allow the applicant to withdraw 75% of the deposited amount subject to certain conditions. Hence, the following order.

ORDER

- i. The application stands partly allowed.
- ii. The applicant is permitted to withdraw 50% of the amount deposited by the respondent No.1-acquiring body on furnishing an undertaking to the satisfaction of the learned Registrar (Judicial) of this court and 25% of the amount on furnishing solvent surety to the satisfaction of the learned Registrar (Judicial) of this court.

[N. J. JAMADAR, J.]