

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

**1006 CIVIL APPLICATION NO.3485 OF 2021
IN FA/3653/2019**

**KACHRU RANGANATH JADHAV
VERSUS
THE EXECUTIVE ENGINEER, MIOR IRRIGATION DIV.
AURANGABAD AND ANOTHER**

Mr. Vitthal B. Wayal, Advocate for the applicant
Mr. S.B. Pulkundwar, AGP for the respondent/State

CORAM : N. J. JAMADAR, J.

DATE : 12-03-2021

P. C.

. Heard learned counsel for the parties.

2. This is an application seeking permission to withdraw the amount of compensation deposited by the appellant-acquiring body in terms of the judgment and award passed by the Reference Court in LAR No. 557/2007 dated 01-08-2018.

3. Learned counsel for the applicant submits that in a matter arising out of the same acquisition process, this court has permitted the applicants to withdraw 75% of the amount deposited by the acquiring body. Copy of the said order dated 09-03-2021 in the civil application No.2621/2021 in First Appeal No. 526 of 2020 is tendered.

4. Having regard to the impugned award, reasons assigned in the application for withdrawal of the amount and order passed by this court in identical matters, it would be expedient to allow the applicants to withdraw 75% of the amount of compensation deposited by the appellant-acquiring body subject to certain conditions. Hence, the following order.

ORDER

- i. The application stands allowed.
- ii. The applicant is permitted to withdraw 75% of the amount of compensation deposited by the respondent No.1-acquiring body alongwith interest accrued thereon. 50% of the amount be released on furnishing an undertaking, and 25% on furnishing a solvent security, to the satisfaction of the the learned Registrar (Judicial) of this court.
- iii. Balance amount be invested in a fixed deposit.
- iv. The application stands disposed of.

[N. J. JAMADAR, J.]