

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

**1003 CIVIL APPLICATION NO.3280 OF 2021
IN FA/3855/2019**

**VINOD MANOHAR GUND
VERSUS
THE M.K.V.D.C. THR EXECUTIE ENGINEER, IRRIGATION PRO.
STRENGTHENING DIV. OSMANABAD AND OTHERS**

Mr. P. S. Chavan, Advocate for the applicant
Mr. A. M. Gaikwad, Advocate for respondent No.1
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 for withdrawal of the amount deposited by the appellant-acquiring body in terms of the judgment and award passed by the Reference Court in LAR No. 76/2003 dated 26/02/2014.

3. Learned counsel for the parties submit that in connected matters, arising out of the same project, this court has permitted the applicants to withdraw 75% of the amount on certain conditions. Copy of the order dated 26-11-2019 in civil application No. 8531/20019 in First Appeal No. 2598 of 2017 is tendered.

4. In the backdrop of the aforesaid submissions and the reasons assigned in the application for withdrawal of the amount it may be expedient to allow the applicant to withdraw 75% of the amount of compensation, on similar terms. Hence, the following order.

ORDER

- i. The application stands partly allowed.
- ii. The applicant is permitted to withdraw 75% of the amount of compensation deposited by the respondent-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 learned Registrar (Judicial) of this court.
- iii. The balance amount be invested in a fixed deposit.
- iv. The application stands disposed of.

[N. J. JAMADAR, J.]