

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.1554 OF 2020
IN
FIRST APPEAL st. NO.39091 OF 2017

DAULAT SANGITRAO GARAD
VS
EXECUTIVE ENGINEER, OSMANABAD, MINOR IRRIGATION
DIVISION UNDER GMIDC, AURANGABAD AND ORS.

Mr.Sanjay A.Wakure, Adv. For applicant;
Mr.BR Surwase, Adv. For Resp.Nos. 1 & 3;
Mr. AM Phule, AGP. For Resp.No.2.

CORAM : SMT.VIBHA KANKANWADI,J.
DATE : 24th June, 2021.

PER COURT :-

1. Heard both sides.
2. Learned Counsel representing the acquiring body submits that there is exorbitant enhancement, i.e. more than four times, that has been made by the Reference Court and, therefore, the First Appeal challenges the quantum and, therefore, he objects for entire withdrawal of the amount.
3. Taking into consideration the fact that the land of the applicant has been acquired though appeal has been filed, there is no hurdle in allowing the applicant partial withdrawal of the amount.
4. In this case, the amount that has been deposited

(2)

is Rs.9,65,117/- and the applicant is allowed to withdraw amount of Rs.5,00,000/-.

5. The applicant shall file an undertaking within a period of eight weeks that he would make the said amount good, if directed at the time of final disposal of the appeal.

6. The Civil Application stands disposed of.

(SMT. VIBHA KANKANWADI)
JUDGE

BDV