

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

**CIVIL APPLICATION NO. 5038 OF 2021
IN
FIRST APPEAL NO. 1816 OF 2020**

Kakasaheb Tukaram Deshmukh

..APPLICANT

VERSUS

Executive Engineer,
Minor Irrigation Division, Latur
and Others

..RESPONDENTS

....

Mr. A.D. Sonkawade, Advocate for applicant
Mr. V.S. Solshe, Advocate for respondent no.1
Mr. A.M. Phule, A.G.P for respondent - State

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**CORAM : R.G. AVACHAT, J.
DATE : 19th JULY, 2021**

PER COURT :

1. Heard.
2. The applicant had been permitted to withdraw 25% of the amount under award vide order dated 25th August, 2020 passed in Civil Application No. 5179 of 2020.
3. Learned counsel for the acquiring body strongly objects on the ground that reference Court has enhanced the compensation from many folds. According to him, there is no change in the circumstance.

4. I have perused the impugned award and averments in the application and come to the conclusion that the applicant needs to be permitted to withdraw 25% more amount.

5. In view of above, application is allowed. The applicant is permitted to withdraw 25% of the amount deposited in this Court on furnishing solvent surety/security/bank guaranty. No further application for withdrawal of amount shall be entertained. Cross objections are admitted.

(R.G. AVACHAT, J.)

SSD