

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

CIVIL APPLICATION NO. 5783 OF 2021

IN

FIRST APPEAL NO. 276 OF 2020

Namdev Machindra Kale ... Applicant

Versus

The Godawari Marathwada Irrigation
Development Corporation and another ... Respondents

AND

CIVIL APPLICATION NO. 5784 OF 2021

IN

FIRST APPEAL NO. 277 OF 2020

Kashinath Ramrao Malkar [Died]

Through the legal heirs...

1] Janabai wd/o Kashinath Malkar and others ... Applicants

Versus

The Godawari Marathwada Irrigation
Development Corporation and another ... Respondents

....

Mr. D. A. Bide, Advocate for the applicants

Mr. R. B. Gaikwad, Advocate for respondent No.1

Mr. B. V. Virdhe, AGP for the State in CA No.5783 of 2021

Mr. S. S. Dande, AGP for the State in CA No.5784 of 2021

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CORAM : R. G. AVACHAT, J.

DATED : 06th JULY, 2021

PER COURT :-

. Both the applications are for withdrawal of the amount of compensation.

2. Heard. Perused the impugned award and the documents relied on.

3. Learned Advocate for the appellant would submit that the Reference Court has enhanced the compensation manifold. The appellant/acquiring body has very good case in appeals. He, therefore, opposed for grant of application.

4. Considering the rival submissions and in the factual backdrop, the applicants are permitted to withdraw 75% of the amount of compensation deposited in this Court, in terms of the following order:-

ORDER

- (i) Both the applications are partly allowed.
- (ii) The applicants are permitted to withdraw 75% of the deposited amount. Out of which, 50% amount is allowed to be withdrawn on furnishing undertaking and balance 25% amount is allowed to be withdrawn on furnishing solvent security to the satisfaction of the Registrar (Judicial) of this Court.
- (iii) Balance 25% amount be kept in any nationalised bank till disposal of the first appeals.

[R. G. AVACHAT, J.]