

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

**CIVIL APPLICATION NO. 6510 OF 2021
IN
FIRST APPEAL NO. 3203 OF 2019**

Hirkorbai Dharamsing Patil

...Applicant

Versus

The Executive Engineer,
Minor Irrigation Division, MIW, Jalgaon & Ors.

...Respondents

.....
Shri. Vijay B. Patil, Advocate for the applicant
Shri. S. S. Chillarge, Advocate for respondent No. 1
Respondent nos. 2 and 3 served
.....

WITH
FIRST APPEAL NO. 3203 OF 2019

AND
CIVIL APPLICATION NO. 6507 OF 2021
IN
FIRST APPEAL NO. 3200 OF 2019

WITH
FIRST APPEAL NO. 3200 OF 2019

**CORAM : R. G. AVACHAT, J.
DATE : 30th JULY, 2021**

PER COURT : -

1. Heard learned Counsel appearing on behalf of the
respective parties.

2. Only 25% of the amount under the Award has been deposited. The learned Counsel for the applicant / acquiring Body submits that, the enhancement is manifold and appellant has every hope of success in appeals. He has therefore strongly objected for permitting withdrawal of the amount.

3. Perused the applications and the impugned award.

4. Since the amount deposited is not more than 25% of the impugned Award, I am inclined to permit its withdrawal. The applicants are permitted to withdraw 50% of the amount deposited in this Court, on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court. The applicants are further allowed to withdraw 50% of the amount deposited in this Court, on submitting solvent surety / security.

5. The Civil Applications for withdrawal of the amount, are accordingly disposed of.

[R. G. AVACHAT]
JUDGE