

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

**14 CIVIL APPLICATION NO. 6127 OF 2020
IN FAST/780/2019**

**SUDHAKAR VISHWAMBHAR KAPASE AND ORS
VS
THE EX. ENGINEER, MINOR IRRIGATION DIVISION,
OSMANABAD THR SUB DIV. ENGINEER AND ORS
WITH
CIVIL APPLICATION NO. 6122 OF 2020
IN FAST/930/2019
WITH
CIVIL APPLICATION NO. 6124 OF 2020
IN FAST/924/2019
WITH
CIVIL APPLICATION NO. 6125 OF 2020
IN FAST/927/2019
WITH
CIVIL APPLICATION NO. 6126 OF 2020
IN FAST/921/2019**

Mr. Pravin B. Rakhunde, Advocate for the applicants
Mr. Shyam C. Arora, Advocate for respondent No.1
Mr. P. M. Kulkarni, AGP for the respondent/State

CORAM : N. J. JAMADAR, J.

DATE : 01-03-2021

P. C.

. These applications are preferred for withdrawal of amount of compensation deposited by the respondent No.1 acquiring body in pursuance of the award passed by the Reference Court. The applicants claim that they are agriculturists. Their

livelihood was dependent on the income from the agricultural land. The applicants are in need of the amount deposited by respondent No.1 towards compensation.

2. Heard learned counsel for the applicants and learned counsel for respondent No.1.

3. Learned counsel for the respondent No.1 acquiring body would urge that there are issues which warrant adjudication as regards the determination of compensation by the Reference Court. Respondent No.1 has a good case on merits. Therefore, entire amount of compensation may not be allowed to be withdrawn.

4. Having regard to the averments in the instant application and the situation of applicants, it may be in interest of justice to allow the applicants to withdraw the 50% of the amount deposited in each of the appeals, alongwith the interest accrued thereon, for the present, on furnishing an undertaking to the satisfaction of the learned Registrar (Judicial) of this court. Hence, the following order.

ORDER

- i. The applications are partly allowed.
- ii. The applicants are entitled to withdraw the 50% amount deposited by respondent No.1 alongwith interest accrued thereon on furnishing an undertaking

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to redeposit the said amount to the satisfaction of the learned Registrar (Judicial).

iii. The applications stand disposed of.

[N. J. JAMADAR, J.]

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