

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

**CIVIL APPLICATION NO. 2760 OF 2021
IN
FIRST APPEAL NO.660 OF 2020**

Bhimrao Shamrao More and others	... Applicants
Versus	
The Executive Engineer	
Minor Irrigation Division No.1 and another	... Respondents

**CIVIL APPLICATION NO. 2762 OF 2021
IN
FIRST APPEAL NO. 661 OF 2020**

Vinayak Rama Magar and others	... Applicants
Versus	
The Executive Engineer	
Minor Irrigation Division No.1 and another	... Respondents

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Mr. D. A. Bide, Advocate h/f Mr. V. B. Wayal, Advocate for the applicants

Mr. S. C. Arora, Advocate for respondent No.1

Mr. A. B. Chate, Advocate for respondent No.2

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CORAM : R. G. AVACHAT, J.

DATED : 02nd MARCH, 2021

PER COURT :-

1. Heard.

2. The amount of compensation under the award has already been deposited in this Court.

3. The land of the applicants has been acquired. They are, therefore, entitled for withdrawal of the amount of compensation. The question is how much amount of compensation is to be allowed to be withdrawn.

4. Considering the submissions and perusal of the impugned award, it would be desirable to allow the applicants to withdraw 75% of the amount of compensation deposited in this Court on following conditions.

- (a) Out of the amount deposited, 50% amount be paid to the applicants on their executing an undertaking and 25% amount be paid on furnishing solvent surety to the satisfaction of the Registrar (Judicial) of this Court.
 - (b) Remaining 25% amount be kept in fixed deposit in any Nationalised Bank, pending the appeal.
5. The civil applications are accordingly disposed of.

[R. G. AVACHAT, J.]