

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

904 CIVIL APPLICATION NO.12244 OF 2021
IN FAST/20622/2016

MITTU SAUDAGAR THORAT THR G.P.A. GANESH MITTHU THORAT
VERSUS
THE EXECUTIVE ENGINEER OSMANABAD MEDIUM PROJECT DIVISION
OSMANABAD AND ORS

Mr Manish Tripathi, Advocate for applicant
Mr J.R. Patil, Advocate h/f Mr G.B. Rajale, Advocate for respondent no.1
Mr P.M.Kulkarni, A.G.P. for respondent no.2 and 3

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 2nd December 2021

PER COURT :

1. It is an application for withdrawal of amount moved by the applicant/original claimant.

2. Heard Mr Tripathi, learned Advocate for applicant, Mr J.R. Patil, Advocate holding for Mr G.B. Rajale learned Advocate for respondent no.1 and Mr P.M. Kulkarni, learned A.G.P. for respondents no.2 and 3.

3. Mr Tripathi, learned Advocate for applicant seeks leave to place on record copy of order dated 23.11.2021 passed by this Court in Civil Application No.12283 of 2021 in First Appeal No.52 of 2020 arising out of same project regarding withdrawal of amount of compensation.

4. Leave granted. The copy of order dated 23.11.2021 passed by this Court is taken on record and marked as "X" for identification.

5. In the abovesaid Civil Application no.12283 of 2021 in First Appeal No.52 of 2020, this Court was pleased to allow the applicant/original claimant to withdraw 75% of the amount of compensation deposited by the acquiring body in this Court subject to furnishing of usual undertaking with the Registrar (Judicial) of this Court. The same view needs to be taken in this matter and the application for withdrawal of amount needs to be allowed.

ORDER

- (i) The Civil Application is hereby allowed.
- (ii) The applicant/original claimant is permitted to withdraw 75% of the amount of compensation out of Rs.56,38,434/- along with interest accrued thereon, deposited by the acquiring body on furnishing usual undertaking with the Registrar (Judicial) of this Court.
- (iii) The remaining amount be invested in fixed deposit in any Nationalised Bank for a period of three years with clause of renewal.
- (iv) The Civil Application stands disposed of accordingly.

(SHRIKANT D. KULKARNI, J.)

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