

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

CIVIL APPLICATION NO. 7159 OF 2020 IN FA/3537/2019

DHANANJAY VISHWANATH BIDVE AND ORS
VERSUS
THE EXECUTIVE ENGINEER (CIVIL) CIVIL DIVISION MSEDCL LTD

...
Advocate for Applicant-claimant : Mr. Vikas G. Kodale
Advocate for Respondent No.1 : Mr. Avishkar S. Shelke
AGP for Respondents No.2 and 3 : Mr. B. V. Virdhe
...

CORAM : ANIL S. KILOR, J.

DATE : 5th APRIL, 2021

PER COURT :-

Heard learned counsel appearing for the respective parties.

2. The learned counsel for the applicant-claimant prays for withdrawal of the amount deposited by the appellant-Acquiring Body. He points out that the amount granted by the learned Reference Court is just and proper and even if the findings recorded in its Judgment, particularly at page 17, the amount determined was Rs.21,600/- per R, whereas, Rs.7,800/- per R was granted. He, therefore, submits that, there is no merit in the appeal, and, in that view of the matter he prays for allowing him to withdraw the complete amount deposited by the Acquiring Body.

3. Learned counsel appearing for the non-applicant -appellant opposes the present application.

4. After considering the matter on merit and the findings recorded by the learned Reference Court, at page 17 of the paper book, I find that, *prima facie*, no illegality has been committed by the learned Reference Court in granting Rs.7,800/- per R.

5. In that view of the matter, I am of the opinion that, if amount to the extent of 75% of the total amount deposited by the appellant is permitted to be withdrawn, it would subserve the justice. Hence, I pass the following order -

ORDER

- (i) The permission is granted to the applicant-claimant to withdraw 75% amount; out of which, for 50% amount, the applicant shall furnish an undertaking to the effect that in case any adverse orders passed against the applicant, he would refund the amount as per direction of this court.
 - (ii) For the balance 25% amount, the applicant shall furnish solvent surety in the like amount to the satisfaction of the Registrar (Judicial) of this court.
6. The civil application is allowed and disposed of, accordingly.

**(ANIL S. KILOR)
JUDGE**