

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

**930 CIVIL APPLICATION NO.5149 OF 2022
IN
FAST/21572/2018**

**MARUTI SITARAM GHOGRE
VERSUS
THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION,
OSMANABAD AND OTHERS**

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Advocate for Applicant: Mr. Vivek V Tarde
Advocate for Respondent No.1: Mr. S. V. Kurundkar
AGP for Respondent Nos.2&3: Mr. P. M. Kulkarni

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CORAM: SHRIKANT D. KULKARNI, J.

DATE: 08th APRIL, 2022

PER COURT:

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

2. Heard Mr. V. V. Tarde, learned Counsel for the applicant / original claimant and Mr. Kurundkar, learned Counsel for Respondent No.1 / acquiring body, Mr. P. M. Kulkarni, learned A.G.P. for Respondent Nos.2 and 3.

3. Mr. V. V. Tarde, learned Counsel for the applicant / claimant seeks leave to place on record copy of the order passed in Civil Application 12947 of 2019 with connected matters dated 10.12.2019.

4. Leave granted.

5. The copy of the order is taken on record and marked "X" for identification. Mr. V. V. Tarde, learned Counsel submits that this Court was pleased to allow the claimants to withdraw 75% of the amount of compensation. This application is arising out of same group / project and notification.

6. Mr. Kurundkar, learned Counsel for the acquiring body and Mr. P. M. Kulkarni, learned A.G.P. for the State fairly concedes this position of passing of earlier order by this Court dated 10.12.2019. I do not see any reason to take any different view. By taking the same view, I proceed to pass following order.

ORDER

[I] The application is hereby allowed.

[II] The applicant / claimant is hereby permitted to withdraw 50% of the amount of compensation with accrued interest thereon on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.

[III] He is further permitted to withdraw 25% of the amount of compensation with accrued interest thereon on furnishing solvent security / surety to the satisfaction of the Registrar (Judicial) of this Court.

[IV] Remaining 25% of the amount of compensation shall be invested in Fixed Deposit Account in Nationalized Bank initially for a period of 1 year with renewal clause.

7. Civil Application is accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]

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