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

56 CIVIL APPLICATION NO.3256 OF 2022 IN
FIRST APPEAL NO.2470 OF 2021

VIJAY NARAYANDAS RIZWANI
VERSUS
NANDED-WAGHALA CITY MUNICIPAL CO. NANDED THR ITS COMMISSIIONER AND ORS.

Mr Anil H. Kasliwal, Advocate for applicant
Mr R.K. Ingole, Advocate for respondent no.1
Mr P.M. Kulkarni, A.G.P. for respondents no.2 and 3

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 7th March, 2022

PER COURT :

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

2. Heard Mr Anil Kasliwal, learned Advocate for the applicant, Mr R.K. Ingole, learned Advocate for respondent no.1 and Mr P.M. Kulkarni, learned A.G.P. for respondents no.2 and 3.

3. It is revealed during course of argument that the appellant has deposited entire amount of compensation under the impugned award which comes to Rs.18,84,522/- in this Court. It is a case of compulsory land acquisition. The land of the present applicant/claimant came to be acquired for widening of public road and for the smooth activities of Gurudwara.

4. It is the practice of this Court to allow the claimant to withdraw 75% of the amount of compensation deposited by the acquiring body and out of 50% on usual undertaking and 25% on furnishing solvent surety/security/bank guarantee to the satisfaction of Registrar (Judicial) of this Court. By taking the same view, I proceed to pass the following order.

ORDER

The Civil Application is hereby allowed as under :

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

(ii) The applicant/original claimant is further permitted to withdraw 25% of amount of compensation along with accrued interest thereon on furnishing solvent surety/security/bank guarantee to the satisfaction of Registrar (Judicial) of this Court.

(iii) After making compliance by the applicant, the Registry to make payment accordingly.

(iv) Remaining 25% amount shall be invested in F.D. Account in any nationalised Bank for a period of one year with renewal clause.

(v) The Civil Application is accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)

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