

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

CIVIL APPLICATION NO.4709 OF 2022 IN FA/203/2019

**KUBER KUSHABA KADAM
VERSUS
THE EXECUTIVE ENGINEER, MEDIUM PROJECT DIVISION
OSMANABAD (NOW UNDER THE M.K.V.D.C., PUNE)
AND ANOTHER**

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Mr. E.S. Murge, Advocate for the Applicant

Mr. A.R. Lukhe, Advocate h/f Mr. A.S. Shelke, Advocate for
Respondent No.1

Mr. Shashibhushan P. Deshmukh, AGP for Respondent No. 2 / State

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CORAM : SHRIKANT D. KULKARNI, J.

DATE : 29th MARCH, 2022

PER COURT:-

1. Heard Mr. Murge, learned counsel for the applicant / claimant, Mr. Lukhe holding for Mr. Avishkar Shelke, learned counsel for respondent no.1 / acquiring body and Mr. Deshmukh, learned AGP for respondent no.2 / State.

2. Mr. Murge, learned counsel for the applicant / claimant seeks leave to place on record the copy of the of order passed by this Court (Coram : R.G. Avachat, J.) in civil application no.5915/2021 in first appeal no. 201/2019 dated 12.07.2021.

3. Leave granted. Copy of order dated 12.07.2021 is taken on record and marked as 'X' for identification. Mr. Murge seeks same relief.

4. Having considered the submissions of both the sides and the earlier view taken by this Court, I proceed to pass the following order:

ORDER

(i) The application is hereby allowed as under:

(a) The applicant is 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.

(ii) The civil application is accordingly disposed of.

**[SHRIKANT D. KULKARNI]
JUDGE**

S.P Rane