

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

29 CIVIL APPLICATION NO.6061 OF 2022
IN FAST/31084/2019

BABASAHEB BHIMRAO GULVE

VERSUS

THE G.M.I.D.C., THR ITS EX. ENGINEER,
MINOR IRRIGATION DIV. OSMANABAD AND ORS

...

Advocate for Applicant : Mr S.B. Choudhari
AGP for Respondent Nos. 2 and 3/State : Mr N.T.Bhagat
Advocate for Respondent No.1 : Mr R.B. Gaikwad

CORAM : SHRIKANT D. KULKARNI, J.
DATE : 18th APRIL, 2022

PER COURT :

1. It is an application for withdrawal of compensation amount moved by the applicant/claimant.
2. Heard Mr Choudhari, learned counsel for the applicant/claimant, Mr R.B. Gaikwad, learned counsel for respondent No.1/acquiring body and Mr N.T. Bhagat, learned AGP for the State/respondent Nos. 2 and 3.
3. Mr Choudhari, learned counsel for the claimant seeks leave to place on record copies of orders passed by this Court in Civil Application No. 1642/2021 in First Appeal Stamp No. 25277/2019 and Civil Application No. 5696/2021 in First Appeal Stamp No. 17704/2019.
4. The copies of the orders are taken on record and marked 'X' collectively for identification. Mr Choudhari, learned counsel pointed out that this Court was pleased to allow the claimant to withdraw 75% of the amount of compensation and seeks the same relief.

5. Mr Gaikwad, learned counsel for respondent No.1/acquiring body and Mr N.T. Bhagat, learned AGP for the State fairly conceded the position of passing earlier order by this Court arising out of same project and notification. I do not see any reason to take any different view.

6. By taking the same view, I proceed to pass the following order :-

ORDER

- (i) The applicant is permitted to withdraw 50% of the amount of compensation deposited by the acquiring body in this Court on furnishing usual undertaking with the Registry.
- (ii) The applicant is further permitted to withdraw 25% of the amount deposited with the Registry on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court.
- (iii) The civil application is accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)

mta