IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

935 CIVIL APPLICATION NO.5488 OF 2022
IN FAST/23216/2020

AVINASH S/O BHAWANT SHINGARE

VERSUS

THE EX ENGINEER, IRRI. SURVEY AND
INVESTIGATION DIV. OSMANABAD AND OTHERS

...

Advocate for Applicant : Mr R.V. Naiknavare
AGP for Respondent Respondent Nos. 2 and 3 : Mr P.M. Kulkarni
Advocate for Respondent No. 1 : Mr S.P. Sonpawale

CORAM : SHRIKANT D. KULKARNI, J.
DATE : 22nd APRIL, 2022

PER COURT :

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

2. Heard Mr S.P. Sonpawale, learned counsel for respondent No.1/acquiring body and Mr P.M. Kulkarni, learned AGP for the State/respondent Nos. 2 and 3.

3. Mr Sonpawale, learned counsel for the acquiring body opposed to allow this application. He submitted that the interest of the acquiring body needs to be protected. He submitted that by looking to the grounds raised in the appeal memo, the application may be turned down.

4. Mr P.M. Kulkarni, learned AGP for the State argued on the same lines.

5. Mr R.V. Naiknavare, learned counsel for the applicant/claimant submitted that it is a case of compulsory land acquisition. The claimant has lost

his earning source. The claimant is in need of money. He, therefore, urged to allow the claimant to withdraw entire amount of compensation.

6. Having regard to the submissions of both the sides and considering the practice followed by this Court, I proceed to pass the following order :-

ORDER

(A) The application is hereby allowed as under :-

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

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

(iii) Remaining 25% of the balance amount of compensation shall be invested in Fixed Deposit Account in any nationalized bank for a period of one year initially with renewal clause.

(iv) The civil application is accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)

mta