

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

912 CIVIL APPLICATION NO.6962 OF 2022
IN FA/1114/2021

KACHRU SHESHRAO SONAWANE
VERSUS
THE EX. ENGINEER, MINOR IRRIGATION DIV. NO. 1 AURANGABAD AND ORS

Mr D.A. Bide, Advocate for applicant
Mr Ruturaj C. Patil, Advocate for respondent No.1
Mr A.B. Chate, A.G.P. for respondents No.2 and 3

- AND -

917 CIVIL APPLICATION NO.6972 OF 2022
IN FA/1111/2021

SHIVAJI SHESHRAO SONAWANE AND ANR
VERSUS
THE EX. ENGINEER, MINOR IRRIGATION DIV. NO. 1 AURANGABAD AND ORS

Mr D.A. Bide, Advocate for applicant
Mr Ruturaj C. Patil, Advocate for respondent No.1
Mr N.T. Bhagat, A.G.P. for respondents No.2 and 3

- AND -

918 CIVIL APPLICATION NO.6973 OF 2022
IN FA/1112/2021

VASANT SHESHRAO SONAWANE
VERSUS
THE EX. ENGINEER, MINOR IRRIGATION DIV. NO. 1 AURANGABAD AND ORS

Mr D.A. Bide, Advocate for applicant
Mr Ruturaj C. Patil, Advocate for respondent No.1
Mr S.N. Morampalle, A.G.P. for respondents No.2 and 3

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 4th May, 2022

PER COURT :

1. These are the applications for withdrawal of compensation amount moved by the applicants/original claimants.

2. Heard Mr D.A. Blde, learned Advocate for applicants/claimants, Mr Ruturaj C. Patil, learned Advocate for respondent No.1/acquiring body and learned A.G.P.s for respondents No.2 and 3 in respective applications.

3. It is revealed during course of argument that acquiring body has deposited the amount of compensation in the execution proceedings arising out of L.A.R.No.360 of 2008. The acquiring body has not deposit the amount of compensation in this Court. As such, it is for the reference Court/executing Court to decide about withdrawal of amount. It would be just and proper to issue directions to the executing Court/reference Court in this regard.

ORDER

The Civil Applications stand disposed of with following directions to the executing Court/reference court.

(i) Upon receiving applications for withdrawal of compensation amount from the applicants/original claimants, the executing Court/reference Court shall decide the same after giving an opportunity of being heard to both the sides.

(ii) The executing Court/reference Court shall not reject the applications for withdrawal of compensation amount only because the appeals are subjudice before this Court. The executing Court/reference Court shall consider the order of withdrawal of compensation amount passed by this Court in various First Appeals as a guiding factor.

(SHRIKANT D. KULKARNI, J.)