

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

936 CIVIL APPLICATION NO.7133 OF 2022
IN FA/1110/2021

PANDIT SHRIRANG BHOSALE
VERSUS
THE EXE. ENGINEER, MINOR IRRIGATION DIV., OSMANABAD AND
OTHERS

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Advocate for Applicants : Mr. Sushant B. Choudhari.

Adv. for Respondent No.1 : Ms. Shrutika Deshpande, h/f Mr. Anand Chawre

AGP for Respondent/State: Mr. A. B. Chate.

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CORAM : **SHRIKANT D. KULKARNI, J.**

DATE : 05th May, 2022.

P.C.:

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

2 Heard Mr. S. B. Choudhari, learned counsel for the applicant/claimant, Ms. Shrutika Deshpande, holding for Mr. Anand Chawre, learned counsel for respondent No.1 and Mr. Chate, learned AGP for respondent Nos.2 and 3/State.

3 Mr. Choudhari, learned counsel for applicant/claimant invited my attention to the order passed by this Court in Civil application No.1642 of 2021 dated 1st March, 2021. By relying upon the said order, he seeks similar relief of withdrawal of compensation amount of 75%.

4 Ms. Shrutika Deshpande, holding for Mr. Anand Chawre, learned counsel for respondent No.1 strongly opposed to allow this application.

5 Mr. Chate, learned AGP for the State has been fair enough to concede the position of passing of the earlier order by this Court in above referred matter thereby allowing the claimant to withdraw 75% of the amount of compensation. I do not find any force in the submission of Ms. Shrutika Deshpande, learned counsel appearing for respondent No.1. In view of earlier order passed by this Court referred above, it is necessary to allow this application by endorsing the same view in absence of any reason. Hence, the following order is passed:

ORDER

- I. The application is hereby allowed as under:
- II. The applicant/claimant is hereby permitted to withdraw 50% of the amount of compensation with accrued interest thereon on furnishing usual undertaking with the Registrar (Judicial) of this Court.
- III. The applicant/claimant 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.

- IV. Remaining 25% of the compensation amount with accrued interest thereon shall be invested in fixed deposit account in any Nationalized Bank initially for a period of one year with renewal clause.
- V. The application is accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]

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