

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

934 CIVIL APPLICATION NO.7131 OF 2022
IN FAST/11304/2019

JAGANNATH ATMARAM GHOGARE
VERSUS
THE EX. ENGINEER, (P.T. AND M.I.W.) NO. 1 MINOR IRRIGATION
DIVISION, OSMANABAD AND OTHERS

...
Advocate for Applicant : Mr. Sanjay A. Wakure.
Advocate for Respondent No.1 : Mr. Anant D. Gadekar.
AGP for Respondent/State: Mr. S. P. Deshmukh.
...

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. Wakure learned counsel for the applicant/claimant, Mr. Gadekar, learned counsel for respondent No.1/acquiring body and Mr. Deshmukh, learned AGP for respondent Nos.2 and 3/State.

3 Mr. Wakure invited my attention to the copy of order passed by this Court in Civil Application No.12947 of 2019 with connected matters dated 10th December, 2019 (page No.7 of the application). He points out that this Court was pleased to allow the claimants to withdraw in all

75% of the amount of compensation deposited by the acquiring body.
He, therefore, seeks similar relief of withdrawal of compensation.

4 Mr. Gadekar, learned counsel for the acquiring body and Mr.Deshmukh, learned AGP for the State have been fair enough to admit the above said position of passing of earlier order by this Court arising out of same project and group. I do not see any reason to take any different view. By endorsing the same view, I proceed to pass the following order:

ORDER

- I. The application is hereby allowed as under:
- II. The applicant/claimant is hereby permitted to withdraw 50% of the amount of compensation 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 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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