

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

**CIVIL APPLICATION NO. 9452 OF 2022
IN FA/1925/2021**

Mahesh Dharmaraj Motade

.. Applicant

Versus

The Executive Engineer,
Minor Irrigation Division at Latur
and another

.. Respondents

Mr. V. D. Gunale, Advocate for the Applicant.
Ms. D. S. Jape, AGP for the Respondents-State.
Mr. S. B. Patil, Advocate for Respondent No. 1.

CORAM : ANIL L. PANSARE, J.

DATED : 05th JULY 2022.

PER COURT:-

- . The applicant has put forth prayer to permit him to withdraw the amount deposited in the Court by the acquiring body.
2. The learned advocate for the applicant has pointed out that in identical matter, this Court vide order dated 05.05.2022 in Civil Application No. 7163 of 2022 has permitted the applicant therein to withdraw the entire amount deposited by the acquiring body.
3. The acquiring body has deposited 75% of the amount of compensation as directed by the Court vide order dated 18.09.2021.

4. Learned counsel for the applicant seeks permission to withdraw the entire amount deposited by the acquiring body. As against, the learned advocate for the acquiring body contends that the reference Court has enhanced the rate manifold and therefore only 50% of the amount be allowed to withdrawn.

5. Since the acquiring body has deposited only 75% of the compensation awarded by the reference Court, it will be appropriate to permit the applicant to withdraw the entire amount deposited by the acquiring body.

ORDER

(I) The application is allowed.

(II) The applicant/claimant is hereby permitted to withdraw the 50% of the amount deposited by the acquiring body with accrued interest thereon upon furnishing usual undertaking with the Registrar (Judicial) of this Court.

(III) The applicant/claimant is further permitted to withdraw the 50% of remaining amount deposited by the acquiring body alongwith accrued interest thereon upon furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court.

(IV) The application is accordingly disposed of in above terms.

(ANIL L. PANSARE)
JUDGE

P.S.B.