

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

922 CIVIL APPLICATION NO.8305 OF 2022
IN FIRST APPEAL NO.5034 OF 2017
WITH
CIVIL APPLICATION NO.8304 OF 2022
IN FIRST APPEAL NO.5035 OF 2017

...
UTTAM KISAN WANJARE
VERSUS
THE EXECUTIVE ENGINEER, MINOR IRRIGATION
DIVISION NO.1, AURANGABAD & ANOTHER

...
Advocate for Applicants : Mr.A.M.Hajare
AGP for Respondent-State : Mr.A.B.Chate
Advocate for Respondent no.1 : Mr.R.C.Patil

...
CORAM : S.G.DIGE, J.
DATE : 14.06.2022

P.C. :

1] Heard the learned counsel for the applicants
and the respondents.

2] The learned counsel for the applicants submits
that the amount has been deposited by the respondents
before the Reference Court. From the date of judgment the
amount was not deposited by the respondents before the

Lower Court. After 9 years of passing of the judgment, the amount is deposited. The learned counsel for the applicants submits that the Reference Court granted enhanced compensation till filing of these applications. Hence, requested to allow the applicants to withdraw the deposited amount.

3] The learned counsel for respondent no.1 submits that respondent no.1 disputes the interest given on the amount. If the applicants permitted to withdraw the amount then it would cause complexity if respondent no.1 succeeds in his case.

4] I have heard the learned counsel for the applicants and the respondents. The Reference Court has passed the judgment and order in the year 2013 directing respondent no.1 to give compensation to the applicants. After passing the said judgment and order, the respondents have taken 9 years time to deposit the said amount before the Reference Court. The learned Reference Court also granted enhanced compensation to the applicants.

Respondent no.1 is disputing the interest on the given amount. Considering this fact, I pass the following order:-

ORDER

i] Civil Application Nos.8305/2022 and 8304/2022 are allowed. The applicants are allowed to withdraw 75% of the deposited amount with usual undertaking before the learned Registrar [Judicial].

ii] Civil Applications are disposed of accordingly.

**[S.G.DIGE]
JUDGE**

DDC