

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

**924 CIVIL APPLICATION NO.16663 OF 2022
IN FA/3689/2016**

**MAHESH VAJJINATH AKAT
VERSUS
THE EXECUTIVE ENGINEER NIMNA DUDHNA PRAKALP, SELU
PRESENTLY JALNA IRRIGATION DIV., JALNA AND ORS**

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Advocate for Applicant : Mr. S. V. Hon
AGP for Respondent Nos.2 & 3: Mr. P. M. Kulkarni
Advocate for Respondent No.1 : Mr. S. C. Arora

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**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 22/12/2022.**

P. C. :

1. Heard rival submissions.
2. The applicant is seeking withdrawal of the entire amount of compensation, which has been deposited by the appellant acquiring body in this court. Admittedly, the appeal preferred by the acquiring body has been dismissed on 19/10/2022 since the amount granted by reference court was within the four times as per government resolution dated 03/11/2016. Further, it appears that in the appeal, the applicant and his mother Prabhavatibai were brought on record being the legal heirs of original claimant Vajjinath Yadavrao Akat. However, Prabhavatibai is now no more and therefore, the applicant being the sole legal heir of Vajjinath is entitled to withdraw the entire amount of compensation.
4. Further, it appears that while disposing the appeal, this court in clause No.4 of the operative part in the judgment of this appeal inadvertently gave direction for release of bank guarantee for 25%

of the compensation amount. However, the earlier order dated 16/01/2017 passed by this court in the appeal indicates that there was no direction to furnish such bank guarantee for withdrawal of 25% of the amount. Therefore, there is no question of releasing such bank guarantee as it was never furnished. In view of the same, the application stands allowed in terms of prayer clause-A and disposed of accordingly.

(SANDIPKUMAR C. MORE, J.)

VS Maind/-