

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

913 CIVIL APPLICATION NO.941 OF 2019
IN FA/241/2021 WITH CA/4431/2023 IN FA/241/2021
WITH
FIRST APPEAL NO. 241 OF 2021

THE EX. ENGINEER, CONSTRUCT DIVISION (NIRMAN) C.R.
SOLAPUR PROP. PARTY IS THE DY. CHIEF ENGINEER
VERSUS
GAWLANBAI CHANDRAKANT KURANE AND OTHERS

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Advocate for Applicant : Mr. Navandar Manish N. (VP not filed)
AGP for Respondent/s – State : Mr. S. N. Kendre
Advocate for Respondent No.1 : Mr. R. P. Bhumkar

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CORAM : SANDIPKUMAR C. MORE, J.

DATE : 23.06.2023

PER COURT :

A) ORDER IN CIVIL APPLICATION NO. 4431/2023 :

1. Heard rival submissions.
2. The applicant is seeking withdrawal of entire amount of compensation, which has been deposited by the acquiring body alongwith the interest accrued thereon.
3. This Court vide order dated 21.03.2022 in other connected matter has permitted the present applicant therein to withdraw 75% of the total compensation amount. In view of the same, the applicant is permitted to withdraw 75 % of the total compensation amount along with the proportionate interest accrued thereon till

date i.e. 50% on usual undertaking and 25 % on furnishing solvent surety/security to the satisfaction of the learned Reference Court.

4. The remaining amount shall be invested in F.D.R. in any Nationalized Bank on yearly renewal basis till final of this appeal. The aforesaid 75% amount which is allowed to be withdrawn be transferred to the concerned Reference Court forthwith along with the proportionate interest accrued thereon till date for its withdrawal of the applicant.

5. The civil application is accordingly disposed of.

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B) ORDER IN CIVIL APPLICATION NO. 941/2019 :

Since the appellant - acquiring body has deposited the entire amount of compensation, the application is made absolute in terms of prayer clause 'B' and disposed of.

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C) ORDER IN FIRST APPEAL NO. 241/2021

1. Heard.

2. **Admit.**

3. Learned counsel Mr. Bhumkar waives service for respondent No.1. The learned AGP waives service for respondent Nos. 2 and 3.

(SANDIPKUMAR C. MORE)
JUDGE

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shp/-