

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

931 CIVIL APPLICATION NO.2045 OF 2023
IN FAST/10220/2022 WITH CA/5573/2022 IN FAST/10220/2022
WITH CA/5574/2022 IN FAST/10220/2022

ACHYUT JANARDHAN SATHE
VERSUS
THE EX. ENGINEER, MINOR IRRIGATION DIV. OSMANABAD
ANDORS

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Advocate for Applicant : Mr. N. Kendre h/f Mr. M. V. Bhamre
AGP for Respondent No.1: Mr. B. V. Virdhe
Advocate for Respondent No.3 : Mr. H. P. Kshirsagar

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**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 17/02/2023.**

P. C. :

A) CIVIL APPLICATION NO. 2045 OF 2023 :

1. Leave to correct name of respondent No.3. Correction be carried out forthwith.
2. Heard rival submissions.
3. The applicant is seeking withdrawal of the entire amount of compensation, which has been deposited by the acquiring body alongwith the interest accrued thereon.
4. The learned counsel for the acquiring body opposed the application on the ground that the reference court has granted exorbitant amount of compensation, which is beyond 50 times of the amount granted by SLAO.
5. In view of the same and considering the enhancement granted by the learned reference court, which is more than 50 times, the applicant is permitted to withdraw 25% of the deposited

amount of compensation alongwith the proportionate interest accrued thereon till date, on usual undertaking to the satisfaction of the Registrar (Judicial) of this court.

6. The remaining amount be kept in FDR in any nationalized Bank on yearly renewal basis till final disposal of this appeal.

7. The civil application is accordingly disposed of.

B) IN CIVIL APPLICATION NO.5573 OF 2022 :

1. The appellant – acquiring body is seeking condonation of delay of 977 days, which appears to be caused due to obtaining sanctions at various stages. There is not strong objection from other side and therefore the delay of 977 days stands condoned.

2. The appeal be placed for admission after removal of office objections, if any. Application is accordingly disposed of.

C) IN CIVIL APPLICATION NO.5574 OF 2022 :

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

D) IN FIRST APPEAL (STAMP) NO.10220 OF 2022 :

1. Call R & P.

(SANDIPKUMAR C. MORE, J.)