

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

**CIVIL APPLICATION NO.10336 OF 2023
IN FA/2900/2022**

**RAMRAO BHAUSAHEB DESHMUKH
VERSUS
THE EXE. ENGINEER IRRIGATION DEPT. BEED HEAD QUARTER AT
AMBAJOGAI THR BEED IRRI. DIV. BEED AND ANR.**

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Advocate for Applicant : Mr. N. P. Bangar
Advocate for Respondent No.1: Mr. B. R. Survase
Advocate for Respondent No.2/State: Mr. P. M. Kulkarni

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 19.08.2023

PER COURT :

1. By this application, the applicant seeks to withdraw the amount deposited by the respondent – acquiring body in pursuance of the award passed by the reference court.
2. Mr. Bangar, learned Advocate appearing for the applicant submits that in other matters arising out of the same acquisition, the appeals are filed by the acquiring body. In those appeals, 70% awarded amount was deposited and the claimants are permitted to withdraw the amount in respective appeals vide order dated 21/07/2022 passed in Civil Application No.10208/2022 in First Appeal No.2921/2021 and others group matters.
3. Mr. Survase, learned Advocate appearing for the acquiring body do not dispute that in other matters, the claimants are permitted

to withdraw 70% amount. However, he makes the submissions that, in present case, the compensation is awarded towards trees as well as land and there is challenge to the assessment on both the counts.

4. Having considered the submissions advanced and considering the earlier order passed by this Court, the case is made out to permit partial withdrawal of the amount. Hence, the following order:

ORDER

- a) Civil Application is partly allowed.
- b) The applicants are permitted to withdraw 40% of the amount deposited by the acquiring body along with accrued interest thereon, subject to usual undertaking to be furnished to the satisfaction of Registrar [Judicial] of this Court.
- c) The applicants are further permitted to withdraw additional amount of 15% out of the deposited amount by the acquiring body along with accrued interest thereon on furnishing solvent surety / security to the satisfaction of Registrar [Judicial] of this Court.
- d) Balance of 45% amount be invested in the fixed deposit with any Nationalized Bank initially for the period of one year with renewal clause.
- e) Civil Application is disposed of accordingly.

**[S. G. CHAPALGAONKAR]
JUDGE**