

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

25 CIVIL APPLICATION NO.11553 OF 2023
IN FA/2035/2023 WITH CA/17219/2022 IN FA/2035/2023

JIVAN CHANDRABHAN SURYAWANSHI (DIED) THR LRS
PRASHANTJIVAN SURYAWANSHI
VERSUS
THE EX. ENGINEER, OSMANABAD MINOR IRRIGATION SUB -
DIVISION, OSMANABAD AND ORS

...
Advocate for Applicants : Mr. Ingale Vivekanand V.
AGP for Respondents-State : Mr. B. V. Virdhe
Advocate for Respondent No.1 : Mrs. Surekha G. Chincholkar
...

CORAM : ARUN R. PEDNEKER, J.

DATE : 09/10/2023

PER COURT :

1. Heard the learned Advocates representing the respective parties.
The present first appeal is filed by the acquiring body against the order of the Reference Court. The appellant has deposited 50% of the amount of compensation as per directions of this Court vide order dated 22/12/2022.
2. CA/11553/2023 is filed for withdrawal of amount. The learned Advocate for the applicant submits that in the identical facts situation in matters arising out of the same project, this Court by order dated 25/08/2022, in CA/12181/2022 in FAST/32024/2019, has permitted the applicants to withdraw total 50% of compensation amount along

with interest accrued thereon till date.

3. In view of the above, the applicants are permitted to withdraw the entire 50% of the compensation amount, deposited in this Court along with interest accrued thereon, on usual undertaking to the satisfaction of the Registrar Judicial of this Court. The applications are disposed of.

4. CA/17219/2022 IN FA/2035/2023 is filed for Stay. The Stay has been granted to the Reference Court award subject to deposit of 50% of total amount of compensation with interest as determined by the Reference Court. The acquiring body has deposited amounts of compensation as directed along with interest accrued thereon in this Court.

5. In view of the same, the Stay order passed by this Court dated 22/12/2022, in the application, is confirmed. Application is disposed of.

6. The appeal is **Admitted**.

7. After admission, the learned AGP waives service of notice on behalf of respondents-State.

8. Call for record and proceedings.

(ARUN R. PEDNEKER, J.)

vj gawade/-.