

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION NO.9990 OF 2023
IN FA/3516/2022**

KASHINATH MACHINDRA ADSULE
VERSUS
THE EX. ENGINEER, MINOR IRRIGATION DIVISION, LATUR
THR G.M.I.D.C., AURANGABAD AND ANR

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Mr. D. P. Munde, Advocate for the Applicant.
Mr. S. S. Dande, AGP for Respondents-State.
Mr. S. G. Bhalerao, Advocate for Respondent No.1.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATE : 11th AUGUST, 2023.**

PER COURT:-

1. By this application, the applicant seeks permission to withdraw the amount deposited by the Acquiring Body in pursuance of the award passed by Reference Court in L.A.R. No.161/2005.

2. The learned Advocate appearing for the applicant invites attention of this Court to the order passed in Civil Application No.7057/2021 in First Appeal No.1605/2019 dated 30.07.2021 and submits that this Court permitted withdrawal of 80% of the compensation amount deposited by the Insurance Company and requests to follow the same course.

3. Per contra, the learned Advocate appearing for the Acquiring Body submits that the interest is awarded contrary to the Full Bench decision of this Court in the matter of **State of Maharashtra Vs. Kailash Shiva Rangari**¹. Further there are other good grounds in appeal.

¹ (2016) 3 Mh. L.J. 457

4. Having considered the submissions advanced, it is apparent that the other claimants from same acquisition are already permitted to withdraw 80% of the compensation amount under orders of this Court. Therefore, same course needs to be followed. Hence, the following order:-

ORDER

- a. Civil Application is allowed.
- b. The applicant is permitted to withdraw 80% of the compensation amount alongwith accrued interest thereon subject to furnishing of usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.
- c. Balance of the amount be kept in Fixed Deposit in any Nationalized Bank initially for a period of one year with renewal clause.
- d. Civil Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE