

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

923 CIVIL APPLICATION NO.9997 OF 2023
IN FA/3015/2022

KOKILABAI CHHAGAN PATIL

VERSUS

THE EXECUTIVE ENGINEER, HATNOOR PROJECT CHOPADA AND ORS

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Mr. V.B. Patil, Advocate for applicant

Mr. S.V. Mundhe, Advocate for respondent No.1

Mr. S.J. Salgare, AGP for respondent Nos.2 and 3

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CORAM : SMT. VIBHA KANKANWADI
ABHAY S. WAGHWASE, JJ.

DATE : 26th SEPTEMBER, 2023

ORDER :

1 Present application has been filed for withdrawal of the amount by the original claimant. The learned Advocate for the applicant – original claimant submits that the deposit is not as per the order passed by this Court, whereas the learned Advocate for the acquiring body submits that it is as per the order passed by this Court. At this stage, we do not want to go into those disputed facts. Parties are at liberty to take their recourse if there is no compliance as per their version. The fact remains is that the present

application is for the withdrawal of the amount by the original claimant. It appears that initially amount of Rs.80,05,800/- was deposited and thereafter amount of Rs.1,39,50,000/- has been deposited. Certainly the acquiring body is alleging that the reference Court has enhanced the compensation exorbitantly and, therefore, the appeal is filed and then it is admitted. Therefore, the interest of the original appellant – acquiring body is also required to be protected. Under the said circumstance, the applicant – original claimant is permitted to withdraw amount of Rs.1,00,00,000/- (Rupees One Crore only). Civil Application No.9997 of 2023, therefore, stands disposed of.

(ABHAY S. WAGHWASE, J.)

(SMT. VIBHA KANKANWADI, J.)

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