

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

**13 CIVIL APPLICATION NO.15467 OF 2022  
IN FAST/37481/2019 WITH CA/2541/2020 IN FAST/37481/2019 WITH CA/  
2542/2020 IN FAST/37481/2019**

**RAJENDRA KESARSING DESHMUKH  
VERSUS  
THE EX. ENGINEER, M.I.W. JALGAON AND OTHERS**

Mr.Vinod Prakash Patil, Advocate for the applicant.  
Mr.S.S. Chillarge, Advocate for respondent Nos. 1 and 2.  
Mr.S.B. Pulkundwar, AGP for the respondent/State.

**CORAM : KISHORE C. SANT, J.  
DATED : 29.08.2023**

**PC :-**

01. Heard learned Advocate for the applicant. This application is filed seeking withdrawal of the amount deposited by the respondents/appellants and subject to that stay is granted to the execution and operation of the award passed by the learned Reference Court. The respondents were directed to deposit at least 50% of the amount. It is submission of the learned Advocate for the applicant that total amount of compensation as per the Reference Court comes to Rs.5,79,04,364/- as on 09.06.2022. The respondents/appellants had already deposited the amount of Rs. 89,27,000/- and the said amount is already withdrawn by the present

applicant on giving usual undertaking. The respondent has thereafter deposited amount of Rs.31,19,224/-. It is submission of the applicant that the respondent has not deposited even 50% of the amount and thus he is entitled to withdraw this amount of Rs.31,19,224/- with interest, if any, accrued thereon. This Court finds that even if this amount is allowed to be withdrawn, it would not be even 50% of the total amount as awarded by the Reference Court.

02. Therefore, the following order :-

**ORDER**

(i) The application is allowed.

(ii) The applicant is entitled to withdraw an amount of Rs.31,19,224/- (Rupees Thirty One Lakhs Nineteen Thousand Two Hundred Twenty Four) along with interest accrued thereon subject to furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court.

(iii) The application is accordingly disposed off.

**[KISHORE C. SANT, J.]**