

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 1014 OF 2023
IN
FIRST APPEAL NO. 101 OF 2022

Gautam Keshav Gulve ... Applicant
Versus

Exe. Engineer, Minor Irrigation Div.,
Sinchan Bhavan, Osmanabad & Ors. ... Respondents

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Mr. Sanjay A. Wakure – Advocate for applicant
Mr. Ram B. Deshpande – Advocate for respondent no. 1

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CORAM : S. G. CHAPALGAONKAR, J.
DATE : 21st JUNE, 2023

PER COURT :

1. This is an application filed by the original claimants for withdrawal of the compensation amount.
2. Heard learned counsel appearing for the respective parties.
3. Mr. Wakure, learned advocate appearing for the applicant, contends that earlier this Court has passed an order in Civil Application No. 7133 of 2022 in the matter arising out of the same award. The applicants therein are permitted to withdraw the 75% amount deposited by respondent/Acquiring body.
4. Mr. Ram Deshpande appearing for the acquiring body submits that order passed in connected matter cannot be applied in facts of present case.

5. However, after independent consideration of merits of the present matter, this Court holds that the applicant is entitled to withdraw 75% of the amount deposited by the acquiring body subject to usual undertaking. Hence, following order.

ORDER

- [i] The application is allowed.
- [ii] The applicant/claimant is permitted to withdraw 50% of the compensation amount with accrued interest thereon on furnishing usual undertaking with the Registrar (Judicial) of this Court.
- [iii] The applicant/claimant is further permitted to withdraw 25% of the amount of compensation with the accrued interest thereon on furnishing solvent surety / security to the satisfaction of the Registrar (Judicial) of this Court.
- [iv] The balance amount with accrued interest shall be invested in Fixed Deposit Receipt [FDR] in any nationalized bank initially for a period of one year and if required, it be renewed.
- [v] Application is accordingly disposed of.

[S. G. CHAPALGAONKAR]
JUDGE