

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

**CIVIL APPLICATION NO. 13649 OF 2023
IN FAST/40932/2019**

Vasantrao Nanasaheb Deshmukh .. Applicant

Versus

The Executive Engineer
Osmanabad Irrigation Division-1
and others .. Respondents

Mr. Mukund S. Patil, Advocate for the Applicant.
Mr. S. G. Bhalerao, Advocate for Respondent No. 1.
Mr. S. B. Pulkundwar, AGP for Respondent Nos. 2 and 3.

CORAM : KISHORE C. SANT, J.

DATED : 06th NOVEMBER, 2023.

P C. :-

. Heard learned advocate for the applicant.

2. This application is filed seeking withdrawal of the amount of compensation deposited by the acquiring body as per the award by the learned Reference Court. The learned SLAO had granted compensation at the rate of Rs. 800/- per R where the learned Reference Court has enhanced it to Rs. 4,500/- per R.

3. Learned advocate for the applicant submits that, the award by the learned Reference Court is quite reasonable as the report has

considered every factor considering the judgment and award passed in other cases from the same village for the same project and there is no scope for interference with the impugned award of the learned Reference Court. The acquiring body has deposited the amount after more than a year of passing of the award. He further submits that, the age of applicant is 101 years and his two sons are suffering from serious illness and for that also he requires the amount.

4. Learned advocate for the acquiring body opposes the application vehemently stating that the amount enhanced is more than five times of the award by the learned SLAO. He further submits that, if the amount is withdrawn it would be difficult to recover the amount in case, the appeal succeeds.

5. Considering all these facts this Court finds that, it would be in the interest of justice to allow the applicant to withdraw 75% of the amount on undertaking that, in case, the appeal is allowed he will re-deposit the said amount within six (06) months. Hence, the following order is passed.

6. The application stands allowed.

7. The applicant is entitled to withdraw 75% of the amount along with accrued interest, if any, of the amount deposited in this Court.

The amount be transmitted to the learned Reference Court at Osmanabad with a direction to allow the applicant to withdraw the said amount without requiring him to file formal application. The undertaking be furnished in the Reference Court.

8. The civil application is disposed off.

(KISHORE C. SANT, J.)

P.S.B.