



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

**CIVIL APPLICATION NO. 686 OF 2024
IN FAST/32729/2022 WITH C.A. NO. 687 OF 2023
IN FAST/3274//2022 WITH C.A. NO. 688 OF 2023 IN
FAST/32716/22**

Mishrilal Premraj Nahar Died Thr Lrs Kamalbai M. Nahar Died Thr Lrs
Sunil M. Nahar

....Applicant

VERSUS

The Executive Engineer, Irrigation Division

.....Respondent

....

Advocate for Applicant : Mr. V. P. Golewar h/f Mr. A. R. Joshi

AGP for Respondent No.2: Mrs. R. R. Tandale

Advocate for Respondent No.2 : Mr. D.B. Pawar

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CORAM : S. G. MEHARE, J.

DATE : 19.01.2024

PER COURT :

1. Heard the learned counsel for the applicant and the learned counsel for the acquiring body.
2. Leave granted to the learned counsel for the appellant to bring on record the legal heirs of respondent No.1-A in appeal.
3. The learned counsel for the acquiring body submitted that the civil Court has considered the valuation report which was prepared in

the absence of the appellant. It was not admissible in evidence. Therefore, only 50% of the deposited amount should be allowed to withdraw.

4. The learned counsel for the applicant would submit that the document was admissible. There was nothing to disbelieve the said evidence. Hence, at least 75% of the deposited amount may be allowed to withdraw.

5. Considering the arguments of the respective counsels the following order is passed.

ORDER

- (i) The applications are partly allowed.
- (ii) The applicants are allowed to withdraw 75% of the amount out of which 50% amount along with accrued proportionate interest be released on the undertaking that they will deposit the amount if the judgment and award is reversed and 25% of the amount with accrued proportionate interest be released on furnishing security/surety and on the similar undertaking as mentioned above.

(S. G. MEHARE)
JUDGE

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