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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

48 CIVIL APPLICATION NO. 5954 OF 2024
IN FAST/5391/2024

AND

CIVIL APPLICATION NO. 5952 OF 2024
IN FAST/5394/2024

AND

CIVIL APPLICATION NO. 5953 OF 2024
IN FAST/5397/2024

PRADEEP KRISHNARAO DESHMUKH

....Applicant

VERSUS

THE EXECUTIVE ENGINEER MINOR IRRIGATION BID BEED
HEAD QUARTER AT AMBAJOGAI DIST BEED AND ANR

.....Respondents

Mr. D. A. Bide, Advocate for the applicant

Mr. H. U. Dhage, Advocate for the respondent No.1

Mrs. M. N. Ghanekar, AGP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 08th JULY, 2024

P. C.

1. Heard the parties.

2. These applications are filed for withdrawal of the

amount deposited in execution proceeding.

3. The applications are vehemently opposed by the learned acquiring body. He submits that amount enhanced is not only towards land but also for constructed house and Wada. Exorbitant amount is awarded for construction.

4. Learned advocate for the applicant however, submits that the applicants have also filed appeals for enhancement.

5. Considering the above position, following order is passed:-

ORDER

a] The applications are partly allowed.

b] The applicants are permitted to withdraw 50% of the amount deposited in the reference court alongwith accrued interest on furnishing undertaking that in case the appeal is allowed, they

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shall re-deposit the amount within 12 weeks from the date of such judgment. Further 25% of the amount allowed to be withdrawn alongwith accrued interest on furnishing solvent surety/ security to the satisfaction of the executing court. Balance amount be invested in fixed deposit in any nationalized bank to be renewed periodically till disposal of the appeal.

[KISHORE C. SANT, J.]

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