



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

43 CIVIL APPLICATION NO. 4271 OF 2024
IN FA/254/2022

Gendu Gangaram Kawadekar

VERSUS

The Ex. Engineer, Upper Penganga Project No. 6 Thr Gmidc, Aurangabad

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Advocate for Applicant : Mr. M.S. Karad h/f. Mr. S.S. Thombre

AGP for Respondents 1 & 2 : Mr. D.B. Bhange

Advocate for Respondent 3 : Mr. M.C. Swami h/s. Mr. S.G. Bhalerao

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CORAM : KISHORE C. SANT, J.

Dated : June 28, 2024

PER COURT :-

1. Heard the learned advocates for the parties.
2. This application is for withdrawal of amount of compensation deposited by the appellant/Acquiring Body in this Court along with accrued interest pursuant to the judgment and award passed by the learned Reference Court.
3. Applicant as well as the appellant has produced on record earlier orders passed by this Court. By order dated 12.9.2023 in Civil Application No. 3516/2023 and other connected matters, this Court permitted the applicants/claimants therein to withdraw 50% amount of total compensation along with accrued interest on usual terms and conditions to the satisfaction of the Registrar (Judicial) of this Court. By order dated 22.8.2023 in Civil Application No. 10536/2023 and other connected matters, this Court had permitted the applicants/claimants therein to withdraw 50% of the total awarded amount.
4. Considering both these orders, this Court is inclined to pass the

following order.

ORDER

(i) Application is partly allowed. Applicant is entitled to receive 50% of the amount of total compensation along with accrued interest thereon deposited by the Acquiring Body subject to filing an undertaking that in case the appeal is allowed, the applicant shall redeposit the amount along with interest within twelve weeks thereafter. Remaining amount be kept in fixed deposit in any nationalized bank till disposal of appeal. With this, the civil application is disposed of.

(ii) Vide order dated 1.8.2023 passed by this Court, stay application is already disposed of and appeal is also admitted.

(KISHORE C. SANT, J.)

ssc/