



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

69 CIVIL APPLICATION NO. 4281 OF 2024

IN FA/251/2022

BALAJI BIRGOUDA CHIKALE

VERSUS

THE EX. ENGINEER, U.PPROJECT NO. 6 NANDED, THR GMIDC, AURANGABAD

70 CIVIL APPLICATION NO. 4282 OF 2024

IN FA/252/2022

MAHAMMAD MUJIB IBRAHIM

VERSUS

THE EX. ENGINEER, U.PPROJECT NO. 6 NANDED, THR GMIDC, AURANGABAD

71 CIVIL APPLICATION NO. 4283 OF 2024

IN FA/249/2022

BALAJI DATTATRAY BINGEWAR

VERSUS

THE EX. ENGINEER, U.PPROJECT NO. 6 NANDED, THR GMIDC, AURANGABAD

Mr.K.R. Choudhari h/f. Mr. S.S. Thombre, Advocate for the applicants.

Mr.A.M. Phule, Mr. G.O. Wattamwar, Ms. M.N. Ghanekar, AGPs for the respondent/State.

CORAM : KISHORE C. SANT, J.

DATED : 05.07.2024

PC :-

01. Heard the learned advocates for the parties.

02. 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 Resettlement and Rehabilitation Authority.

03. 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.

04. Considering both these orders, this Court is inclined to pass the following order.

ORDER

(i) Application is partly allowed. Applicant is entitled to withdraw 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.]