



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

904 CIVIL APPLICATION NO. 5353 OF 2024
IN FAST/23606/2021

LAXMIBAI JAMBUWANT GANJE
VERSUS
THE EXECUTIVE ENGINEER MINOR IRRIGATION
DIVISION OSMANABAD AND ORS

...
Advocate for Applicant : Mr. G.B. Rajale
AGP for Respondent Nos. 2 &3/State : Mr. G.O. Wattamwar
Advocate for Respondent No. 1 : Mr. Chavan Prasanna
Shankarrao
...

CORAM : KISHORE C. SANT, J.

DATE : 11th JUNE, 2024.

PER COURT :

1. Heard the parties.
2. This application is preferred seeking withdrawal of the amount of compensation deposited by the Acquiring Body/Appellant in this Court in appeal. The amount of Rs. 6,31,896/- is deposited in this Court. The learned Advocate for the applicant submits that the award is rightly passed by the

learned Reference Court by considering the sale instance of the earlier period and there is no error on the part of the learned Court. He should be allowed to withdraw the entire amount.

3. Learned Advocate for the Acquiring Body opposes the application stating that in the Reference Court the amount is enhanced for more than five times. He thus, prays for rejection of the application.

4. Considering that the enhancement is about five times of the amount awarded by the learned SLAO, this Court is inclined to allow the applicant to withdraw 80% of the amount deposited in this Court by the Acquiring Body, alongwith interest, if any, accrued thereon.

5. The applicant shall submit undertaking that in case the appeal is allowed, he shall re-deposit the amount in this Court within 12 weeks thereafter.

6. The balance amount to be kept in Fix Deposit, in any Nationalized Bank be renewed the same from time to time, till

the disposal of the appeal.

7. The application stands disposed off.

(KISHORE C. SANT)
JUDGE

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