



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

29 CIVIL APPLICATION NO. 5574 OF 2024
IN FA/3097/2023

POPAT KARBHARI SAWADE

VERSUS

THE EXECUTIVE ENGINEER MINOR IRRIGATION DIVISION NO 1
AURANGABAD AND ANR

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

Mr.B.R. Surwase, Advocate for respondent No.1.

Mrs.M.L.Sangit, AGP for the respondent/State.

CORAM : KISHORE C. SANT, J.

DATED : 19.06.2024

PC :-

01. Heard learned Advocate for the applicant. He submits that the enhancement in the amount of compensation by the learned Reference Court is less than five times. The appellant has already deposited the amount of compensation along with interest in this Court, as the applicant-original claimant succeeded in the Reference Court. The amount deposited is towards compensation.

02. The learned Advocate for the acquiring body opposes the application.

03. However, considering that the amount of compensation is slightly lesser than five times, this Court is inclined to allow this application. Hence, the following order :-

ORDER

- i) The civil application is allowed.
- ii) The applicant is entitled to withdraw 80% of the amount deposited by the acquiring body in this Court, on furnishing usual undertaking that in-case the appeal is allowed, the applicant shall redeposit the amount along with interest within 12 weeks from the date of the judgment.
- iii) Remaining amount shall be invested in the fixed deposit of any nationalized bank on periodically renewal basis, till disposal of the appeal.

[KISHORE C. SANT, J.]