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

**79 CIVIL APPLICATION NO. 10017 OF 2024
IN FA/2245/2024**

LAXMAN S/O BHAURAO JADHAO

VERSUS

THE EXECUTIVE ENGINEER JALNA IRRIGATION DIVISION AND ORS

Ms. Usha N. Jadhao, Advocate for the applicant.

Mr. S.C. Arora, Advocate for respondent No.1.

Mr. K.S. Hoke Patil, AGP for respondent Nos. 2 and 3.

CORAM : KISHORE C. SANT, J.

DATE : 19.09.2024

PC :-

01. This application is filed for withdrawal of amount. The application is vehemently opposed by learned Advocate Mr. Arora for respondent no1. He submits that the SLAO had awarded rate of Rs.941/- per R, which is enhanced to Rs.5000/- per R by the Reference Court, which is more than five times of the award of the SLAO. He also makes submission on merits. He submits that the Reference Court has relied upon earlier judgment in the Reference decided by the said Court from the same acquisition proceeding. Considering above, this Court is passing following order :-

ORDER

(i) The application is partly allowed.

(ii) The applicant is permitted to withdraw 50% of the amount deposited along with accrued interest on giving usual undertaking.

(iii) Further 25% amount along with accrued interest is permitted to be withdrawn on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this Court.

(iv) Remaining amount shall be invested in fixed deposit of any nationalized bank to be renewed periodically till disposal of the appeal.

[KISHORE C. SANT, J.]