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16-CA-13039-2024

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

16 CIVIL APPLICATION NO. 13039 OF 2024
IN FAST/4787/2024

Bhagwan Gunaji Wagh

VERSUS

The Executive Engineer Jalna Minor Irrigation Division And Ors

WITH

CIVIL APPLICATION NO. 5251 OF 2024

IN FAST/4787/2024

WITH

CIVIL APPLICATION NO. 5252 OF 2024

IN FAST/4787/2024

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Mr. Praveen B. Rakhunde, Advocate for Applicant.

Mr. Shivaji B. Kadu for Respondent No.1.

Smt. R. R. Tandale, AGP for Respondent-State.

CORAM : KISHORE C. SANT, J.

DATE : 16th DECEMBER 2024

PC :-

1. Heard the learned Advocate for the parties.
2. This application is for withdrawal of the amount deposited by the Acquiring Body in this Court as per judgment and award passed by the Reference Court. The appeal is preferred on the ground that on the basis of which the reference in the present case is decided itself is under

challenge in an appeal pending before this Court. The second objection is in respect of award of interest which is granted from the date of Section 4 notification instead of date of award. Since the question of award of excess interest is raised, it can be taken care of by keeping 25% of the amount in fixed deposit. However since in other connected matters, from the same acquisition proceeding, the following order:-

ORDER

- (i) Application is allowed.
- (ii) The applicant is permitted to withdraw 75% of the amount deposited in the office of this Court along with accrued interest as per impugned judgment and award on furnishing usual undertaking.
- (iii) The remaining amount be deposited in Fixed Deposit in any nationalized bank till final disposal of the appeal.
- (iv) Application stands disposed off.

[KISHORE C. SANT, J.]