



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**CIVIL APPLICATION NO. 1740 OF 2025
IN FA/4527/2023**

Sushant S/o Dhanajay Deshmukh

VERSUS

The Executive Engineer, M.I.D.C. Beed And Another

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Shri A. V. Thombre, Advocate for Applicant (for sole respondent in FA)

Shri R. D. Raut, AGP for Respondent No. 2

Shri B. R. Survase, Advocate for Respondent No. 1

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**WITH
CIVIL APPLICATION NO. 10186 OF 2023
IN FA/4527/2023**

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CORUM : ROHIT W. JOSHI, J.

Date : 25th FEBRUARY, 2025

PER COURT :

First Appeal No. 4527 of 2023

1. Heard
2. Admit.
3. Call Record and Proceedings.
4. Mr. A. V. Thombre, learned advocate, waives notice for the sole respondent.

Civil Application No. 10186 of 2023

1. Since the entire amount is deposited, the *ad interim* order dated 13.11.2023 stands confirmed, subject to right of the respondent/Land owner to seek withdrawal of amount.

Civil application No. 1740 of 2025

1. This is an application by the respondent, who is petitioner in L.A.R. No. 17 of 2012 decided by the learned Civil Judge Senior Division, Majalgaon vide judgment and award dated 13.08.2020.

2. Pursuant to conditional order of stay to the execution of judgment and award passed by this Court, the appellants have deposited the entire amount of compensation along with accrued interest in this Court.

3. A perusal of the judgment indicates that the enhancement is granted by the learned reference Court relying upon sale exemplars. In that view of the matter, in my considered opinion, ends of justice will be subserved by permitting the respondent original claimant to withdraw 50% of the amount deposited subject to furnishing usual undertaking.

4. The remaining amount will be invested in the fixed deposit, initially for a period of three years and same be renewed from time to time till adjudication of the appeal.

5. Civil application is disposed of.

**[ROHIT W. JOSHI]
JUDGE**

KS_Kamble/