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929-CA-10036-2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

929 CIVIL APPLICATION NO. 10036 OF 2025
IN FA/974/2025

Yashwant Rangnath Deshmukh

VERSUS

The Executive Engineer And Ors.

WITH

CIVIL APPLICATION NO. 703 OF 2024
IN FA/974/2025

...

Mr. Ramchandra Jagdevrao Nirmal, Advocate for Applicant.

Mr. Sudhir G. Bhalerao, Advocate for Respondent No.1.

Mr. R. B. Dhaware, AGP for Respondent-State.

CORAM : KISHORE C. SANT, J.

DATE : 3rd OCTOBER 2025.

PC :-

CA/10036/2025

1. Heard the learned Advocates for the parties.
2. This application is filed for withdrawal of the amount deposited by the appellant in the office of this Court.
3. The learned Advocate for the applicant relies on the order passed by this Court in CA/13030/2024 in FA/4250/2023 dated 18th December

Ethape

2024.

4. The application is vehemently opposed by the learned Advocate for the respondent No.1. He submits that the basis for taking the valuation itself is not correct. Merely on the basis of one entry of one borewell, the land is treated as irrigated land. Panchnama was drawn without signatures of the authorities and thus cannot be relied upon. In paragraph 20 of the impugned judgment and award, the Court has considered the land to be semi-irrigated land. However, while granting compensation, the Court awarded compensation for irrigated land and has committed a mistake. All these points can be gone into at the stage of final hearing. For the present, this Court finds that since in similar matters, the orders are passed. Hence, the following order.

ORDER

- (i) Applicant is permitted to withdraw 75% of the amount deposited in the office of this court alongwith accrued interest.
- (ii) The above 75% of the amount be remitted to the Reference Court i.e. learned Civil Judge Senior Division, Parbhani.

(iii) 50% of the amount is permitted to withdraw on giving usual undertaking and 25% of the amount is allowed to be withdrawn by giving solvent surety/security to the satisfaction of the Superintendent of the said Court.

(iii) With this, civil application stands disposed off.

[KISHORE C. SANT, J.]