

ORDER BELOW EXH. 6

Read application and say filed by J.D. Heard both sides. Gone through record.

2- This is an application filed by D.H. for granting permission to withdraw amount of compensation of Rs.1,47,620/- deposited by J.D. in the Award passed in LAR No.497/2012. It is contended that, Decree Holder willing to withdraw amount of compensation deposited in the court, hence this application.

3- J.D. Nos. 1 and 2 have filed say below **Exh.8** contending that proposal in respect of preferring appeal is filed in the office of Collector, therefore, application be rejected. It is contended, Decree Holder is liable to deposit withdrawal amount, if in future Appellate Court passed adverse order against him. It is further contended that, direction be given to Decree Holder to give undertaking that he will deposit withdrawal amount in the court, in case of adverse order passed against him.

4- J.D.No.3 has filed say below **Exh.11** contending that, J.D. has started proceeding to prefer an appeal before the Hon'ble High Court in respect of interest granted by the Court, which is from the period of date of possession or under sec. 4 of the Act. It is further contended that, direction be given to Decree Holder to give undertaking that he will deposit withdrawal amount in the court, in case of adverse order passed against him.

5- A perusal of record shows that the proceeding of LAR No.497/2012 was decided on 02.12.2017. Judgment Debtor has not produced any documents on record for showing an appeal is pending before the Hon'ble High Court, challenging Judgment and

Award passed in LAR No.497/2012. A perusal of report of superintendent shows that no appeal is preferred against Judgment and Award passed in LAR No.497/2012 and the Hon'ble High Court has not passed any stay order to the Execution of Award passed in LAR No.497/2012. As there is no appeal and stay in respect of present proceeding, therefore, it is proper to give permission to Decree Holder, to withdraw the compensation amount deposited in the Court, on condition.

6- In view of all above reasons, by accepting submission of learned Advocate for Decree Holder, I pass following order.

ORDER

1- Application is allowed.

2- Decree Holder is permitted to withdraw the amount of **Rs.1,47,620/- (Rs. One Lak Forty Seven Thousand Six Hundred Twenty Only)** deposited by J.D. in this proceeding as per report of A.S. (C & F) subject to furnish affidavit cum undertaking that in case of any adverse order passed against him in appeal or the award is varied or set-aside in any proceeding before the Court, he will deposit the withdrawn amount in concerned proceeding as per order of the Court.

(Dictated and declared in open Court)

Date :10.01.2022

(S.G.Baokar)
Civil Judge Senior Division,
Paranda.

CNR NO. MHOS14000-342-2021.

Spl.Dar.No.241/2021
Sampat... Vs. State and others

CERTIFICATE

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

Name of Stenographer : Shivshankar Nagnath Bharati
Name of Court : Shri. S.G.Baokar
Civil Court S.D.,Paranda,
Osmanabad.

Order Date : 10.01.2022
Order signed by the
Presiding Officer on : 10.01.2022
Order uploaded on : 10.01.2022