

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

49 CIVIL APPLICATION NO. 1577 OF 2016
IN FA/236/2016 WITH CA/10907/2013 IN FA/236/2016

BANSI KERU JADHAV
VERSUS
THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION NO.1,
AURANGABAD AND ANR

...
Advocate for Applicant : Bide Dnyaneshwar A
AGP for Respondent No. 2 : A.R. Borulkar
Advocate for Respondent No. 1 : U K Patil
...

CORAM : T.V. NALAWADE, J.
DATED : 8th February, 2016.

ORDER :

1. Civil Application No. 1577/2016 is filed by original claimant for permission to withdraw the compensation amount. Both the sides are heard.

2. This Court has carefully gone through the judgment and award. The main grievance of the Acquiring Body is in respect of number of trees in respect of which compensation is given and the price given per tree. Initially the price of 127 trees was given and the Land Acquisition Officer did not consider the report of Expert Valuer which was in respect of 245 trees. Further, the compensation is enhanced by Rs. 2000/- per tree by the Reference Court and on the basis of sale instance the price of Rs. 1100/- per R. is given to the acquired land by the Reference

Court. In view of these circumstances, this Court holds that 50% amount can be given to the claimant on furnishing undertaking and remaining 50% amount can be given to the claimant, subject to giving of solvent surety of that amount. In those terms the application is allowed and disposed of.

3. The appeal is **admitted**. Notice after admission is waived by Shri. Bide, learned counsel for original claimant.

4. Other Civil application is disposed of. List First Appeal No. 256/2012 along with present matter.

[T.V. NALAWADE, J.]

ssc/