

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

CIVIL APPLICATION NO. 10162 OF 2016
IN FAST/26906/2015

MHATARDEO SAKHARAM WAMAN AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANR

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Advocate for Applicants : Mr. S. P. Joshi, h/f Mr. Nikhilesh K. Tungar.

AGP for Respondent No.1 : Mr. K. N. Lokhande.

Advocate for Respondent No.2 : Mr. C. Deshmukh, h/f Mr. A. R. Kale.

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CORAM : **P. R. BORA, J.**

DATE : 03rd August, 2016.

P.C.:

. This is an application for withdrawal of the deposited amount.

The Claimants are seeking withdrawal of the entire deposited amount.

2 The learned counsel appearing for the acquiring body has opposed for granting withdrawal of the amount as prayed for by the Applicants. The learned counsel submitted that the compensation has been arbitrarily enhanced by three times than the market value determined by the SLAO. The learned counsel submitted that the SLAO has offered the compensation at the rate of Rs.570/- per Are, whereas the Reference Court has enhanced it to Rs.1,750/- per Are.

3 After having considered the submissions advanced by the learned counsel for the respective parties and on perusal of the impugned judgment as well as the grounds of objections taken in exception to the impugned award, I deem it appropriate to pass the following order :

ORDER

- I. The civil application is partly allowed.
- II. The Applicants are permitted to withdraw 50% of the amount deposited on submitting an undertaking that in the event any adverse order is passed against them, they shall redeposit the amount so withdrawn by them within a period of four months from the date of passing of such order.
- III. The balance 50% of the amount be invested in FDR in any nationalized any initially for the period of three years with a further direction to renew the said FDR, if so required, till the decision of the present appeal.

[P. R. BORA, J.]