

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

**CIVIL APPLICATION NO. 11600 OF 2016
IN
FIRST APPEAL ST NO. 28179 OF 2011**

Ramji Laxman Govindwad (died) Through his
Lrs. (1) Ganesh S/o Ramji Govindwad
(Renapurkar) & Ors.

APPLICANTS

V E R S U S

The State of Maharashtra & Ors.

RESPONDENTS

*Mr. P.B. Vikhe Patil, Advocate for the Applicants
Mr. S.P. Sonpawale, A.G.P. for Respondent No.1 – State
Smt. Rekha K. Laddha, Advocate for Respondent No. 3*

CORAM : A.V. NIRGUDE, J.

DATE : 23rd August, 2016

PER COURT :

1. The application is filed for withdrawal of the amount. Heard both the sides.

2. The acquiring body, appellant wants to challenge the decision of the Reference Court on the grounds like limitation, giving separate price for trees, comparable sale instances etc. This Court has gone through the judgment and order of the Reference Court. Learned counsel for the

acquiring body placed reliance on the case reported as 2008 (6) AIR Bombay 748 (State of Maharashtra vs. Madan Vithalrao Naiknaware & Anr.) on the point of limitation. This Court holds that the original claimants need to be allowed to withdraw the entire amount subject to condition of giving solvent surety to the extent of 25% of the amount. The application stands disposed of.

(A.V. NIRGUDE, J.)

srm/23/8/16