

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

48 CIVIL APPLICATION NO. 1544 OF 2016
IN FA/373/2016 WITH CA/1545/2016 IN FA/372/2016 WITH
CA/1546/2016 IN FA/375/2016 WITH CA/1547/2016 IN
FA/374/2016 WITH CA/1548/2016 IN FA/376/2016 WITH
CA/12794/2014 IN FA/375/2016 WITH CA/12804/2014 IN
FA/376/2016 WITH CA/12806/2014 IN FA/373/2016 WITH
CA/12808/2014 IN FA/372/2016 WITH CA/12819/2014 IN
FA/374/2016

LAHU HARIBHAU KAMBLE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicant : Jayabhar Dattatraya R.
AGP for Respondent No. 1 : K.N. Lokhande

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

ORDER :

1. The applications are filed by original claimants for permission to withdraw the amount. The learned AGP strongly opposed the applications. This Court has gone through the judgment and award. The SLAO has granted compensation of each Mango tree as Rs. 67,500/- and value of each tamarind tree is given as Rs. 37,750/-. The value for each Jambhul tree is given as Rs. 10,000/- and the value for each Bor tree is given as Rs. 3,150/-. This Court has seen the value given to sweet lime trees. The value of around Rs. 5,600/- is given, but that is not on higher side. But the value of other trees is on higher side. Even if

the report with regard to age of the trees and fruit bearing capacity is accepted as it is, this Court holds that apparently the amount is not more than Rs. 25,000/- for each Mango tree and amount of Rs. 25,000/- per tamarind tree could have been given. Similarly the amount granted in respect of Jambul tree and bore tree is on higher side and at this stage, it can be said that only 50% of the amount awarded by the Reference Court could have been given in respect of Jambhul tree. In view of these circumstances, this Court holds that the original claimants can be allowed to withdraw the amount of compensation at the following rate.

- (i) Rs. 25,000/- per Mango tree, if it is granted more than Rs. 25,000/- per tree.
- (ii) Rs. 25,000/- per tamarind tree, if it is granted more than Rs. 25,000/- per tree.
- (iii) 50% of the value determined in respect of bore tree and Jambhul tree with statutory benefits.

This amount is to be given subject to giving of the undertaking by the claimants. So far as the amount of compensation given in respect of the value of sweet lime tree is concerned, this Court holds that amount of 75% can be given subject to giving of the undertaking and remaining 25% amount can be given subject to giving of solvent surety in respect of that amount. In those

terms, the applications filed for withdrawal of amount are allowed and disposed of. Stay applications are also disposed of.

[T.V. NALAWADE, J.]

SSC/