

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

929 CIVIL APPLICATION NO.15586 OF 2016
IN FA/1344/2016 WITH CA/12825/2014 IN
FA/1344/2016

VITTHAL NARAYAN HINGE DIED THR LRS SHIVAJI AND
ORS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Adv.for Applicants : Mr. Jayabhar Dattatraya R.
Mr. G.O.Wattamwar, AGP for Respondents:1..

CORAM : P.R.BORA, J.

DATE : 30th November, 2016.

PER COURT :

1) Heard. The applicants have filed the present application for withdrawal of the amount. Learned AGP has strongly opposed for permitting any withdrawal of the amount stating that the compensation has been unreasonably enhanced by the Reference Court.

2) Shri Jaybhar, learned counsel appearing for the applicants, has placed on record a copy of order dated 8th February, 2016 passed by this

court (Coram: T.V.Nalawade,J.) in the connected appeals. On perusal of the aforesaid order, it is revealed that this court had permitted withdrawal of the amount of compensation granted towards the trees existing in the acquired lands at a price stated in the order. The Court has permitted withdrawal of amount by calculating the market value of Mango trees @ Rs.25,000/- per tree; for tamarind trees @ Rs.25,000/- per tree and for Bor and Jambhul trees, 50% of the value determined.

3) In the instant matter, the trees are – Mosambi, Ber, Tamarind, Custard Apple and Ramphal. Without going into other merits of the matter, I deem it appropriate to allow the applicants to withdraw 50% of the amount as awarded by the Reference Court for the trees as particularized in the impugned order, on submitting an undertaking that if any adverse order is passed against them, they will re-deposit the said amount within a period of four

months of passing such order. The entire remaining amount be invested in FDR of any nationalized bank for the period till disposal of the appeal.

4) Civil Application for withdrawal of the amount is disposed of.

5) Call R and P. Hearing of the appeal is expedited.

(P. R. BORA)
JUDGE

bdv/