

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

9 CIVIL APPLICATION NO. 11850 OF 2017
IN FA/34/2012

SHRI MARWADI RAJASTHAN EDUCATION SOCIETY, LATUR THR ITS
SECRETARY, LATUR
VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

Advocate for Applicant : Mrs.Dube Anjali (Bajpai)
AGP for Respondents No.1 : Mrs.M.A.Deshpande

**CORAM : R.D. DHANUKA &
SUNIL K. KOTWAL, JJ.**

DATE: 25th September, 2017

PER COURT :-

1) By this application, the applicant seeks an order and direction against the acquiring body to deposit the balance 50% of the decretal amount as awarded by the learned Reference Court in the Judgment and order dated 30th January, 2010 in L.A.R. No.64 of 1996.

2) Learned counsel for the applicant invited our attention to the order dated 21st August, 2012 and would submit that the applicant has been already permitted to withdraw 50% of the amount and acquiring body be directed to deposit remaining 50% of the amount awarded by the Reference Court to enable the applicant to withdraw the said amount.

3) The learned A.G.P. invited our attention to the order dated 21st August, 2012 passed by the Division Bench of this Court and would submit that after hearing both the parties, the Division Bench of this

Court had directed the acquiring body only to deposit 50% of the amount awarded and has already permitted to withdraw the said amount on certain conditions. She states that no case is made out for modification in the order.

4) Learned counsel for the applicant could not point out any order passed by this Court or the Supreme Court in respect of land acquired under the same award in respect of the same locality, wherein this Court or the Supreme Court has directed the acquiring body to deposit 100% amount.

5) We are thus, not inclined to pass any order directing to the acquiring body to deposit further amount and to modify the order dated 21st August, 2012 passed by this Court.

6) Civil Application is accordingly disposed of. No order as to costs.

(SUNIL K. KOTWAL, J)

(R.D. DHANUKA, J)

spt