

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

**912 CIVIL APPLICATION NO.9526 OF 2017
IN FA/1543/2016**

VIMALBAI @ KAMLABAI VASANTRAO ITKAR .. Applicant

VERSUS

PROPER PARTY IS
THE DEPUTY CHIEF ENGINEER (CONSTRUCTION),
C.R. PUNE AND ANR .. Respondents

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Advocate for Applicant	:	Shri. S. S. Manale
Advocate for Respondents No.1	:	Shri. M. N. Navandar
AGP for Respondent No.2/State	:	Shri. C.V. Dharurkar

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**CORAM : P.R. BORA, J.
Dated: July 20, 2017**

PER COURT :-

. Heard the learned Counsel for the applicant and the learned Counsel appearing for the respondent / acquiring body. The learned Counsel for the applicant has sought the withdrawal of the entire amount deposited by the acquiring body. Learned Counsel for the acquiring body has opposed for permitting any withdrawal from the said amount stating that, the Judgment and Award passed by the Reference Court is unconscionable and the amount of compensation as has been enhanced by the reference Court is apparently unreasonable. The learned Counsel submitted that, the SLAO had offered the compensation by determining the market value of the acquired land at the rate of Rs.1,65,000/- per hectare. The reference Court has awarded the compensation by determining the market value of the acquired land at the rate of Rs.40/-

per square feet. The learned Counsel therefore prayed for taking the appeal for final disposal instead of allowing the applicant to withdraw any such amount.

2. I have carefully considered the submissions advanced by the learned counsel appearing for the parties. I have also carefully perused the impugned Judgment and award. Having considered the grounds of objections raised in exception to the impugned Judgment and Award and considering the avenments in application for withdrawal of amount, I deem it appropriate to pass the following order.

ORDER

1. The applicants are permitted to withdraw 25% of the deposited amount on submitting an undertaking to the satisfaction of the Registrar (Judicial) of this Court.
2. The applicants are permitted to withdraw further 25% deposited amount on furnishing Bank guarantee in the like amount of any nationalized bank to the satisfaction of the Registrar (Judicial) of this Court.
3. The remaining 50% amount be invested in Fixed Deposit Receipt in any nationalized Bank initially for the period of 2 years and if so required, for further period till disposal of the appeal.

Civil application stands disposed of.

(P.R. BORA, J.)