

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

CIVIL APPLICATION NO.10918 OF 2017
IN
FIRST APPEAL STAMP NO.11814 OF 2017

WITH

WITH CA/10920/2017 IN FAST/12469/2017
WITH CA/10921/2017 IN FAST/12431/2017
WITH CA/10922/2017 IN FAST/12440/2017
WITH CA/10923/2017 IN FAST/12444/2017
WITH CA/10924/2017 IN FAST/12447/2017
WITH CA/10925/2017 IN FAST/12450/2017
WITH CA/10926/2017 IN FAST/12458/2017
WITH CA/10927/2017 IN FAST/12463/2017
WITH CA/10928/2017 IN FAST/12466/2017
WITH CA/10929/2017 IN FAST/12472/2017

Kalawatibai Amrutrao Wadkar ...Applicant

VERSUS

The Godavari Marathwada Irrigation
Development Corporation Ltd.
Aurangabad & 2 others. ...Respondents

...

Advocate for Applicant : Mr. Patil Laxmikant C.
Mr. A.M.Phule, AGP for Respondent no.1
Mr. Anand Chawre, advocate For R/3

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CORAM : K.L.WADANE, J.
DATED : 29th AUGUST, 2017

O R D E R :

These applications are filed by applicants
for withdrawal of amount of compensation deposited

in this court.

2. Heard learned counsel for the applicants.

3. Learned counsel appearing for the acquiring body has strong objection to pay entire amount, since the Reference Court has awarded compensation to the trees and this compensation is exorbitant. Learned counsel for the appellant also opposes that the amount awarded for the lands is exorbitant.

4. Learned counsel for the applicants submits that in similar matter and in the same set of facts and evidence on record in the connected applications/appeals, this Court has permitted the respective applicants to withdraw 75 per cent of the amount subject to furnishing undertaking to deposit the amount if the appeal succeeds and remaining 25 per cent of the amount is given on furnishing solvent surety.

5. Learned counsel appearing for the acquiring body submitted that in the referred matter there was no compensation awarded to the applicants in respect of trees.

6. Learned counsel for the applicants submits that in the present matter compensation at the rate of Rs.1,00,000/- per acre has been awarded, whereas in cited application compensation at the rate of Rs.1,25,000/- per acre was awarded.

7. In view of above, I am of the opinion that the applicants can be permitted to withdraw the amount to the extent of 75 per cent on furnishing undertaking that in case adverse orders are passed, they have to deposit the entire amount within a period of eight weeks. The applicants are permitted to withdraw remaining 25 per cent of the amount on furnishing solvent surety to the satisfaction of the Registrar of this Court.

8. Civil Applications are disposed of.

(K.L.WADANE, J.)

dbm