

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

22 CIVIL APPLICATION NO. 12428 OF 2017
IN FA/3931/2017

BHAUSAHEB BAPUSAHEB MHASRUP AND ANR

VERSUS

THE DEPUTY COLLECTOR, LAND ACQUISITION JP-1,
OFFICER/COLLECTOR, AURANGABAD AND ANR

...

Advocate for Applicants : Mr. D. A. Bide h/for Mr.
Wayal Vitthal B

AGP for Respondent No.1 State: Mr. B. A. Shinde

Advocate for Respondent No.2 :Mr. B. R. Surwase

CORAM : K. L. WADANE, J.

DATE : 11th December, 2017

ORDER:

1. Heard learned counsel for the applicants as well as learned counsel for the respondent Acquiring Body.

2. This is an application for withdrawal of the amount of compensation deposited by the respondent Acquiring Body in this Court. The learned counsel for the Acquiring body has objection to pay the entire amount of compensation to the applicants, unconditionally. According to the learned counsel for the Acquiring body, the amount of compensation granted by the Reference Court is highly exorbitant as compared to the evidence on record. Therefore, certain condition may be imposed on the applicants while permitting the applicants to withdraw the amount

of compensation.

3. In view of the above and considering the earlier order passed in the same set of facts, following order is passed:

O R D E R

1. The applicants are allowed to withdraw 50% of the amount deposited in this court with interest accrued thereon.
2. The applicants are further allowed to withdraw 25% amount with interest accrued thereon on furnishing undertaking that in the event of adverse order passed in the appeal, they shall re-deposit the said amount within a period of 12 weeks.
3. Remaining 25% amount shall be paid to the applicants on furnishing solvent surety to the satisfaction of the Registrar of this Court.
4. The civil application is disposed of

(K. L. WADANE, J.)

JPC