

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

968 CIVIL APPLICATION NO. 9939 OF 2017
IN FA/574/2017 WITH CA/14899/2016 IN FA/574/2017

RAMKISAN DHONDIBA GORE DIED THR LRS JANABAI AND ORS
VERSUS
THE EXECUTIVE ENGINEER, NIMNA DUDHANA PROJECT DIVISION,
SELU AND ORS

...

Advocate for Applicants : Mr. S. S. Randive
Advocate for Respondent No.1. : Mr. R. C. Patil

CORAM : K. L. WADANE, J.

DATE : 4th October, 2017

ORDER:

1. Heard.

2. This is an application for withdrawal of the amount of compensation deposited by the acquiring body in this court. The learned counsel appearing for both the sides submit that 50% amount of compensation as per the award was already deposited in the reference court and the present applicants have withdrawn the same. Now the acquiring body has deposited the remaining 50% amount of compensation in this Court.

3. Mr. Patil, the learned counsel for the respondent acquiring body submits that in the group of matters, interest under sections 28 and 34 of the Land Acquisition Act is incorrectly awarded from the date of notification under section 4 of the Act.

However, in the present case, the learned reference court has awarded interest from the date of award i.e. 24.06.2002. Therefore, Mr.Patil has no objection to pay the amount of compensation deposited in this court to the applicants.

4. In view of the above, the applicants are permitted to withdraw the amount of compensation deposited in this court with interest accrued thereon, on furnishing undertaking that in the event of adverse order passed in the appeal, they shall deposit the entire amount within a period of 12 weeks. Civil Application No.9939/2017 is accordingly disposed of.

5. In view of the above, civil application No. 14899/2016 also stands disposed of.

(K. L. WADANE, J.)

JPC