

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

CIVIL APPLICATION NO. 13778 OF 2017

IN

FIRST APPEAL NO. 2075 OF 2012

SUDHAKAR GYANOBA KADAM

VS.

THE STATE OF MAHARASHTRA AND OTHERS

WITH

CIVIL APPLICATION NO. 13779 OF 2017

IN

FIRST APPEAL NO. 2076 OF 2012

BHAURAO GYANOBA KADAM

VS.

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for the applicants: Mrs. Asha D. Rakh

AGP for the respondent State: Mr. S. S. Dande

Advocate for respondent No.2: Mrs. Geeta L. Deshpande

CORAM : K. K. SONAWANE, J.

DATE : 16th November, 2017

ORDER:

1. Heard learned counsel for the applicants/ original claimants, learned counsel for the respondent Acquiring Body and learned AGP for the State. Perused the application.

2. It has been submitted that the lands of the applicants/original claimants were acquired for Percolation Tank at Revgaon, Dist. Jalna. The learned Special Land Acquisition Officer determined market value of the acquired lands of applicants-original claimants @ Rs. 375/- per R. The learned Reference

Court granted enhancement to the extent of Rs.1200/- per R.

3. In view of the nature of subject matter and the rate granted by the Reference Court, I find it just to allow the applicants to withdraw 50% of the amount deposited by respondent-Acquiring Body in these appeals on furnishing undertaking to the effect that in case adverse situation arises, the applicants will refund the amount forthwith as per order of this Court. The applicants are further allowed to withdraw 25 % on furnishing one solvent surety of like amount to the satisfaction of Registrar (Judicial) of this Court and rest 25 % amount be kept in the Nationalized Bank in Fixed Deposit for a period of two years or till disposal of the appeals on merit, whichever is earlier.

4. Registry to do the needful for disbursement of the amount in favour of the applicants as referred above. Accordingly, both the applications stand disposed of.

(K. K. SONAWANE, J.)

JPC