

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

**CIVIL APPLICATION NO. 5736 OF 2018 IN
FIRST APPEAL (STAMP) No. 20117 of 2017**

Vasant Ganpati Gaikwad

...**APPLICANT**

VERSUS

The State of Maharashtra and others

...**RESPONDENTS**

*Mr U.C. Patil, Adv., h/f. for Mr U.B. Bondar, Adv. for applicant
Mr Shashibhushan P. Deshmukh, Asstt. Govt. Pleader for Respts.*

CORAM : SUNIL P. DESHMUKH, J.

DATE : 27th April 2018

ORDER :

The learned Counsel for applicant submits that claimant's land had been acquired under notification in the year 2007 and award by the Special Land Acquisition Officer had been passed in the year 2008 granting compensation at the rate of Rs. 73000/- and 88000/- per hectare for two block numbers, whereas, the Reference Court has enhanced the same to the tune of Rs. 2,33,200/- per acre. It has been stated that applicant is a senior citizen, 85 years of age suffering heart disease. He requires medical treatment which is expensive.

2. The learned Counsel therefore, requests to allow applicant to withdraw the amount deposited in the Court.

3. Learned Assistant Government Pleader Mr Deshmukh,

however, submits that enhancement in compensation amount by the Reference Court has been exorbitant and more than seven times of compensation awarded by the Special Land Acquisition Officer. The evidence on record may not bear such enhancement. He therefore, urges not to allow applicant to withdraw entire amount deposited in this Court.

4. Looking at the reasons in application, need of applicant who is a senior citizen suffering heart disease and other aspects having not been seriously disputed, it would be expedient to allow applicant to withdraw fifty per cent of total deposited amount with interest accrued thereon. As such, applicant may withdraw fifty per cent of deposited amount with accrued interest thereon, on furnishing undertaking to the satisfaction of the Registrar (Judicial) of this Court to the effect that in the event decision in First Appeal is adverse to his interest, he would pay back/deposit the amount being withdrawn under this order in this Court within a period of three months from the date of decision in appeal. Undertaking to be filed within a period of four weeks from today.

5. Application is, accordingly, disposed of.

(SUNIL P. DESHMUKH)
JUDGE.