

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

CIVIL APPLICATION NO. 7501 OF 2018
IN FA/859/2017

JAYSING NAVNATH ARADKAR
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...
Advocate for Applicant : Mr. D.B.Pokale h/r. Mr. D.D. Sarawade Patil.
AGP for Respondents No.1 and 2 : Ms. S. S. Raut.
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CORAM : K.K. SONAWANE, J.

DATED : 3rd JULY, 2018.

Order :-

1. Heard learned counsel for applicant-original claimant and learned AGP for respondents No. 1 and 2. Perused the application and relevant documents on record.
2. The present application is moved by the applicant seeking permission to withdraw the decretal amount towards compensation deposited in this Court.
3. It has been contended that the Special Land Acquisition Officer has offered amount @ Rs.520/- per R., whereas, the learned Reference Court has granted enhancement @ Rs.2500/- per R. towards compensation for the acquired lands of the claimants.
4. In view of the market value determined by the Reference Court, I find it justifiable to allow the applicant-original claimant to enjoy the fruits of the Award for which he is pursuing the matter since year 2011. Therefore, there is no impediment to allow the applicant-claimant for withdrawal of entire compensation amount on certain terms and conditions. Definitely, it would sub-serve the purpose in the interest of justice and it would not cause any prejudice or loss to the appellant-Acquiring Body. Hence, application deserves to be allowed.

5. Accordingly, application is allowed. The applicant-original claimant is permitted to withdraw 50% of the amount deposited in this court on furnishing undertaking to the effect that the applicant would refund the amount so withdrawn forthwith in case any contingency arises in the appeal. The applicant is also permitted to withdraw rest of the 50 % balance decretal amount subject to condition that applicant shall furnish solvent surety/security of like amount to the satisfaction of learned Registrar (Judicial) of this Court. The Registry to do the needful for disbursement of amount as mentioned above. The civil application stands disposed of in above terms.

[K. K. SONAWANE]
JUDGE

rrd.