

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

**940 CIVIL APPLICATION NO.12642 OF 2018
IN FA/644/2017**

**SARJERAO VITTHALRAO BHOITE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Applicant : Mr. A. S. More Deshmukh
AGP for Respondent Nos. 1 & 2- State: Mr. S. N. Morampalle
Advocate for Respondent No.3 : Mr. S. G. Sangle

...
**CORAM : SUNIL K. KOTWAL, J.
DATE : DECEMBER 12, 2018**

PER COURT

1. Heard learned Counsel for the applicant, learned A.G.P. for respondent Nos.1 & 2 and learned Counsel for respondent No.3-Acquiring Body. Learned Counsel for Acquiring Body submit that there is variance in between number of trees mentioned in E-statement and report of the valuer. He vehemently objects to withdrawal of the compensation amount.

2. While deciding this application for withdrawal of the compensation amount, it is not desirable to express any opinion on merits of the matter. However, after going through the award passed by the Reference Court, I find it appropriate to allow the application to

withdraw 50% amount out of the deposited amount in the appeal, subject to filing of solvent security for the said amount to the satisfaction of the Registrar (Judicial), within a period of eight weeks from today. The remaining amount shall be invested in fixed deposit in any Nationalized Bank till final disposal of the appeal.

3. Registrar (Judicial) to act accordingly.
4. Civil Application is disposed of.

[SUNIL K. KOTWAL, J.]

vsm/-