

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

918 CIVIL APPLICATION NO. 424 OF 2018
IN FA/1874/2014 WITH CA/425/2018 IN FA/1872/2014 WITH CA/426/2018 IN
FA/1875/2014

PRALHAD GANPATI NARHARE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicant : Mr. Suraj V. Gundre
AGP for Respondents: Mr. B.V. Virdhe

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CORAM : K.K. SONAWANE, J.

DATE : 12th January, 2018.

PER COURT:

Heard learned counsel for the applicant and learned AGP for respondent State.

The learned counsel for applicant submits that a coordinate bench of this court has already passed requisite order for withdrawal of amount in FA No. 1873 of 2014 arising out of LAR No. 290 of 2008, which is from the same group of lands acquired under the same notification as well as award. This court (Coram : V.K. Jadhav, J) allowed the claimants to withdraw 25% of the amount on furnishing undertaking, 25% amount on furnishing solvent surety and 25% amount on furnishing bank guarantee of any Nationalized bank and rest of the amount was ordered to be invested in FDR account. The learned counsel prayed to pass similar nature of order in these applications, in view of the rule of parity.

Admittedly, the special Land Acquisition Officer awarded @ Rs. 1215 per R, however, the learned Reference Court enhanced the compensation @ 166 Per square feet. Being aggrieved by the computation of

compensation amount awarded by the Reference Court, the respondent Acquiring Body and State of Maharashtra preferred the present appeals. Pending the appeals, the applicants have preferred the present applications for withdrawal of decretal amount.

In view of aforesaid submissions, and the earlier order passed by the coordinate Bench of this Court, I do not find any impediment to apply the same yardsticks for allowing the applicants to withdraw the amount pending appeal. Hence, the applications stand allowed. The applicants are permitted to withdraw 25% of the amount deposited in this court on furnishing undertaking to the effect that in case any contingency arises, the applicants would refund the amount forthwith as directed by this court. Rest of the 25% amount be allowed to be withdrawn on furnishing solvent surety of like amount and another 25% amount be allowed to be withdrawn on furnishing bank guarantee of any nationalized bank, to the satisfaction of the Registrar (Judicial) of this Court. Rest of the balance amount of 25% be invested in a FDR account for a period of two weeks or till decision of the appeal whichever is earlier.

Accordingly, the Civil applications stand disposed in above terms.

[K.K.SONAWANE, J]

grt/-