

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

**CIVIL APPLICATION NO. 2976 OF 2018**  
**IN**  
**FIRST APPEAL NO. 59 OF 2016**

Gundu s/o Hanumant Sutar ...Applicant

Versus

The State of Maharashtra  
Through Collector, Osmanabad  
and others

...Respondents

...

Mr. Vivekanand V. Ingale, Advocate for applicant.  
Mr. A. M. Phule, AGP for respondents

...  
**[CORAM: SUNIL P. DESHMUKH, J.]**  
**Date: 01<sup>st</sup> March, 2018**

**ORDER :**

1. Heard learned counsel for the applicant.
2. Learned counsel for applicant states that the land admeasuring 1 hector 21 aar has been acquired around 1994.
3. Learned Assistant Government Pleader states that the enhancement in compensation granted is excessive, there has been enormous increase in aggregate award amount of the acquired land.

4. However, looking at the circumstances that the land of the applicant has been acquired in 1994 and he has lost possession long back and since then beyond the compensation under award by the Special Land Acquisition Officer no further amount has been paid to the applicant and the applicant claims to have left with no source of livelihood, ends of justice can be met with by letting the applicants withdraw the amount deposited in this court.

5. In view of aforesaid, it would be expedient to allow the applicant/claimant to withdraw the amount deposited in this court on following conditions:

- i) Applicant is allowed to withdraw 25% of the total deposited amount in this court, on condition of furnishing undertaking that claimant shall pay back / deposit the amount being withdrawn under this order within a period of three months from the date of decision in appeal, if the decision goes adverse to his interest.
- ii) Further 25% of the total amount is allowed to be withdrawn by the claimant subject to furnishing

solvent surety to the satisfaction of Registrar (Judicial) of this court.

iii) Rest of 50% amount is allowed to be withdrawn on furnishing continuing bank guarantee, till disposal of appeal, of any nationalized bank.

6. Civil application accordingly stands disposed of.

**[SUNIL P. DESHMUKH, J.]**

vdk