

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

**30 CIVIL APPLICATION NO.14221 OF 2019
IN FA/740/2018**

**PAULADSING BHAGWANSING AND OTHERS
VERSUS
THE EXECUTIVE ENGINEER, DHULE MEDIUM PROJECT, DHULE AND ANR**

...
**Advocate for Applicants : Kale Ajeet B.
AGP for Respondents: Y.G.Gujrati
Adv.Ajay D. Pawar For R/1**

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**WITH
CA/14222/2019 IN FA/739/2018
WITH
CA/14223/2019 IN FA/741/2018
WITH
CA/14224/2019 IN FA/743/2018
WITH
CA/14509/2019 IN FA659/2016**

...

**WITH
32 CIVIL APPLICATION NO.14267 OF 2019
IN FA/742/2018**

**BHIMSING ZAMBARSING GIRASE
VERSUS
THE EXECUTIVE ENGINEER, DHULE MEDIUM PROJECT, DHULE AND ANR**

...
**Advocate for Applicant : Kale Ajeet B.
AGP for Respondents: Y.G.Gujrati
Adv.Ajay D. Pawar For R/1**

...

CORAM : MANGESH S. PATIL, J.

DATE : 10.12.2019

PC. :-

Heard both the sides.

2] These are the applications by original claimants for withdrawal of the amounts deposited by the acquiring body in this Court.

3] The learned advocate for the claimants submits that though the claimants have already withdrawn 65% of the amount of compensation which was deposited in the Executing Court, the acquiring body has deposited the balance 35% in this Court and they may be allowed to withdraw the amount particularly when the increase by the Reference Court is within the parameters of the Government Resolution and even existence of trees is undisputed.

4] The learned advocate for the acquiring body opposes the application. He submits that already 65% of the amount of compensation has been taken away. There is a serious dispute as to the valuation of the trees which has been exorbitantly valued by the Reference Court.

5] After considering the aforementioned aspects and the impugned judgment, it is apparent that the applicants were allowed to withdraw the amount by the Executing Court since at that time there were no appeals. Now while preferring the Appeals, the acquiring body has deposited balance 35% amount in this Court.

6] Taking into account the fact that the Reference Court has granted enhanced compensation which is within the parameters laid down by the Government Resolution coupled with the facts that even existence of the trees finds place in the award, the applicants claimants are entitled to withdraw 50% of the amount together with interest deposited in this Court.

7] The applications are allowed. The applicants are allowed to withdraw

50% of the amount of award together with interest deposited in this Court, 25% by furnishing usual undertaking and 25% by furnishing solvent surety.

[MANGESH S. PATIL, J.]

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