

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

**1009 CIVIL APPLICATION NO.11201 OF 2019
IN FA/2659/2018**

**SIDRAM HANMANTAPPA PATALE (DEAD) THR LRS PRABHAKAR AND
ORS
VERSUS
THE STATE OF MAHARASHTRA AND ORS**

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Advocate for Applicants : Mr. Sontakke Gajanan K & P.G. Sontakke(Patil)
AGP for Respondents/State : Mr. S.P. Deshmukh
Advocate for respondent No.3 : Mr. R.C. Patil

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 13th SEPTEMBER, 2019.

ORDER :

. Present application has been filed for withdrawal of the amount. Amount of Rs.51,22,297/- has been deposited in this matter. Learned Advocate for the acquiring body has strong objection for allowing the applicants to withdraw the amount. He submitted that the learned reference Court fixed the enhancement in the compensation without any basis. So also, there is error in granting interest under Section 28 from the date of taking possession of the land, when it should have been from the date of the award.

2. Taking into consideration the points, those have been raised, definitely, case is made out for partial withdrawal of the amount and therefore, the applicants in this case, are allowed to withdraw amount of Rs.21,00,000/- which is to be distributed to applicant Nos.1-A to 1-C equally.

3. Applicants shall file an undertaking within a period of eight weeks that they would make the said amount good, if directed at the time of final disposal of the appeal.

4. Civil Application stands disposed of accordingly.

(SMT. VIBHA KANKANWADI, J.)

SCM