

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.14083 OF 2019
IN
FIRST APPEAL (ST.) NO.38495 OF 2017
(Sayyed Mainuddin Sayyad Issakuddin Kazi Vs. The State of Maharashtra
and another)

Mr. Mukund S. Patil, Advocate for the applicant
Mr. S.P. Deshmukh, A.G.P. for respondent Nos.1 and 2

CORAM : MANGESH S. PATIL, J.

DATE : 03.12.2019

PER COURT :

Heard both the sides.

2. There is an objection of an intervenor who claims to be interested in the matter inasmuch as he has purchased a plot from out of the acquired land from the original claimant.

3. The learned A.G.P. also submits that the Reference Court has awarded the compensation exorbitantly and only 50% may be allowed to be withdrawn.

4. The learned Advocate for the original claimant submits that in fact, there were sale instances which ought to have been considered by the Reference Court but it has failed to do so. The applicant/claimant is entitled to much more than what has already been awarded.

5. Considering all the aspects, it would be just and proper to allow the original claimant to withdraw 75% of the amount of compensation.

6. The application is allowed. The applicant is allowed to withdraw 75% of the amount of compensation deposited in this Court, 50% by furnishing usual undertaking and 25% by furnishing solvent security to the satisfaction of the Registrar (Judicial).

[MANGESH S. PATIL]
JUDGE

npj/ca14083-2019