

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

**23 CIVIL APPLICATION NO.14252 OF 2019
IN FA/5190/2017**

**RAMCHANDRA LAXMAN PATIL (DIED) THR LRS MANGAL AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ORS**

...
Advocate for Applicants : Mr. Patil Laxmikant C.
AGP for Respondent no.1: Mr. S.N. Morampalle
Advocate for Respondent nos. 2 and 3 : Mr. Anil M. Gaikwad
...

CORAM : MANGESH S. PATIL, J.

DATE : 11.12.2019

PER COURT :

Heard both the sides.

2. This is an application by the original claimants seeking withdrawal of the amount deposited by the acquiring body in this Court.

3. The learned advocate for the applicants submits that taking into account the reasoning, the rate enhanced by the reference court is justified by the rate mentioned in an agreement of sale of the year 1985 when a notification in the matter under Section 4 was issued in the year 1998.

4. The learned advocate for the acquiring body submits that the reference court has awarded interest under Section 28 from the date of notification/possession when it should have awarded it from the date of the award. The learned advocate for the claimants however submits that the acquiring body has deposited the amount of compensation excluding that

period of 3 years from the passing of the notification under Section 4 and award which was passed in the year 1995.

5. Considering all the aforementioned aspects, the applicant is entitled to withdraw 75% of the amount deposited in this Court.

6. The application is allowed. The applicant allowed to withdraw 75% of the amount together with interest, 50% by furnishing undertaking in usual terms and 25% by furnishing solvent security.

(MANGESH S. PATIL, J.)

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