

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

**44 CIVIL APPLICATION NO.2455 OF 2020
IN FA/1771/2019**

**GANPATI SAMBHAJI JADHAV (DEAD) THR LRS DEVIDAS AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ORS**

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Advocate for Applicants : Shri A.B. Kale h/f Shri Pawar Balasaheb K.
AGP for Respondents Nos. 1 & 2 : Shri P.M. Kulkarni
Advocate for Respondent No.3 : Shri B.R. Surwase

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CORAM : N.J. JAMADAR, J.

DATE : 01/03/2021

PER COURT :

1. Heard the learned counsel for applicants and respondent No. 3.
2. This application is preferred for withdrawal of the amount of compensation deposited by respondent No. 3 the Acquiring Body in view of judgment and award passed by the learned Civil Judge S.D., Omerga in LAR No. 228 of 2005.
3. There are averments in the application in justification of the prayer for withdrawal of the amount.
4. The learned counsel for respondent No. 3 submitted that the

impugned award suffers from serious infirmity in as much as the additional amount is ordered to be paid from the date of taking over the possession of the land.

5. In the backdrop of the aforesaid submissions, it would be expedient to allow the applicants to withdraw 60% of the amount deposited by respondent No. 3 along with interest accrued thereon on furnishing an undertaking to the satisfaction of the learned Registrar (Judicial) of this Court.

6. Application stands disposed of in aforesaid terms.

(N.J. JAMADAR)
JUDGE

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