

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

CIVIL APPLICATION NO. 6489 OF 2021

IN

FIRST APPEAL NO. 841 OF 2020

Vijaysing Sardarsing Girase

..APPLICANT

VERSUS

The Special Land Acquisition Officer,
Medium Project, Dhule and Others

..RESPONDENTS

AND

CIVIL APPLICATION NO. 6487 OF 2021

IN

FIRST APPEAL NO. 842 OF 2020

Bhutabai Sardarsing Girase
(Dead) Through L.Rs.
Jitendra Gulabsing Girase and Others

..APPLICANTS

VERSUS

The Special Land Acquisition Officer
Medium Project, Dhule and Others

..RESPONDENTS

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Mr. M.R. Malpani, Advocate h/f Mr. A.B. Kale, Advocate for applicants
Mr. K.S. Patil, A.G.P. for respondent nos. 1 and 3
Mr. A.D. Pawar, Advocate for respondent no. 2

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CORAM : R.G. AVACHAT, J.
DATE : 06th AUGUST, 2021

PER COURT :

1. Heard. Perused the impugned award.
2. Learned counsel for the acquiring body has objection to permit withdrawal of amount deposited in this Court.

3. Learned counsel for the applicant submits that mainly the issue involved pertains to period from which interest is to be calculated.

4. According to learned counsel for acquiring body, the valuation report is under clouds.

5. In the given set of facts, the applicants are permitted to withdraw 80% of the amount deposited in this Court. It is reported that the claimants are residing in remote area and they are unable to come to this Court for withdrawal of the amount. Therefore, the amount to be paid to them be remitted to the reference Court immediately for being paid them there, 50% on submitting an undertaking to the satisfaction of the reference Court and 30% on furnishing solvent surety/security/bank guaranty in the like amount. The documents those will be executed, i.e. undertaking and surety/security/bank guaranty, be transmitted to this Court. Balance 20% amount be invested in fixed deposit in any nationalised bank till disposal of the appeal. Both the civil applications stand disposed of accordingly.

(R.G. AVACHAT, J.)

SSD