

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 6393 OF 2021
IN
FIRST APPEAL NO. 2192 OF 2020

Ramesh Punju Nikam

..APPLICANT

VERSUS

State of Maharashtra and Others

..RESPONDENTS

AND CA/6401/2021 IN FA/2149/2020 AND CA/6400/2021 IN FA/2148/2020
AND CA/6402/2021 IN FA/2150/2020 AND CA/6404/2021 IN FA/2180/2020
AND CA/6406/2021 IN FA/2181/2020 AND CA/6408/2021 IN FA/2191/2020
AND CA/6409/2021 IN FA/2174/2020 AND CA/6407/2021 IN FA/2183/2020
AND CA/6405/2021 IN FA/2182/2020 AND CA/6403/2021 IN FA/2194/2020
AND CA/6410/2021 IN FA/2177/2020

....

Mr. V.B. Patil, Advocate for applicants

Mr. B.V. Virdhe, A.G.P. for respondent – State

Mr. S.G. Bhalerao, Advocate for respondent no.3 – acquiring body

....

CORAM : R.G. AVACHAT, J.

DATE : 19th JULY, 2021

PER COURT :

1. Heard.

2. Mr. Bhalerao, learned counsel for the acquiring body has strong objection for withdrawal of amount. According to him the award is hit by the Full Bench judgment of this Court in *State of Maharashtra Vs. Kailash Shiva Rangari; 2016 (3) Mh.L.J. 457*. Moreover, the compensation has been awarded for the lands alongwith fruit bearing trees. Same is not permissible.

3. Considering the rival submissions, it is desirable to permit the applicants to withdrawal 50% of the amount deposited in this Court on furnishing usual undertaking to the satisfaction of Registrar (Judicial) of this Court. Civil applications stand disposed of accordingly.

(R.G. AVACHAT, J.)

SSD