

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

20 CIVIL APPLICATION NO.3254 OF 2022
IN FA/1215/2021

SUNDARABAI W/O DIGAMBAR
KOYALE AND ORS

VERSUS

THE STATE OF MAHARASHTRA
THR COLLECTOR, LATUR AND ORS

...

Advocate for Applicants : Mr L.C. Patil
AGP for Respondent Nos. 1 and 3/State : Mr P.M.Kulkani
Advocate for Respondent No. 2 : Mr S.G. Sangle

CORAM : SHRIKANT D. KULKARNI, J.
DATE : 18th APRIL, 2022

PER COURT :

1. It is an application for withdrawal of compensation amount moved by the applicants/original claimants.
2. Heard Mr L.C. Patil, learned counsel for the applicants/original claimants, Mr S.G. Sangle, learned counsel for respondent No.2/acquiring body and Mr P.M. Kulkarni, learned AGP for respondent Nos. 1 and 3/State.
3. Perused the impugned Judgment and award passed in LAR No. 1799/2010.
4. It is stated across the bar that the acquiring body has deposited entire amount of compensation, however, by making calculation of interest in view of the Full Bench decision in case of ***State of Maharashtra, through Sub Divisional Officer and Special Land Acquisition Officer, Darwha, District Yavatmal Vs. Kailash Shiva Rangari***, reported in ***2016 (3) Mh.L.J. 457*** and not

the entire decretal amount.

5. Mr L.C. Patil, learned counsel for the applicants/original claimants submitted that the Reference Court has allowed the claimants to withdraw 100% amount of compensation. However, the copy of the said order is not available. Mr S.G. Sangle, learned counsel for the acquiring body and Mr P.M. Kulkarni, learned AGP for the State opposed to allow the claimants to withdraw entire amount of compensation.

6. It is usual practice followed by this Court to allow the claimants to withdraw 75% amount of compensation. I do not see any reason to take a different view. The copy of order passed by the Reference Court is not available. By considering the facts of the case, I am convinced to allow 75% amount of compensation on furnishing undertaking with the Registrar (Judicial) of this Court.

ORDER

(A) The application is hereby allowed as under :-

- (i) The applicants are permitted to withdraw 75% amount of compensation with accrued interest thereon on furnishing usual undertaking with the Registrar (Judicial) of this Court.
- (ii) The civil application is accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)

mta