

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

**91 CIVIL APPLICATION NO.6125 OF 2022
IN FA/764/2020**

**KADU JANGALU BORSE (DIED) THR LRS SHIVAJI AND OTHERS
VERSUS
THE EX. ENGINEER, WAGHUR PROJECT JALGAON AND OTHERS**

...

AND

**92 CIVIL APPLICATION NO.6126 OF 2022
IN FA/2285/2020**

**KADU JANGALU BORSE (DIED) THR LRS SHIVAJI AND OTHERS
VERSUS
THE EX. ENGINEER, WAGHUR PROJECT JALGAON AND OTHERS**

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**Advocate for Applicants : Mr. Patil Vijay Bhalerao
Advocate for Respondent No. 1 : Mr. S.D. Dhongade,
and Mr. A.D. Pawar
AGP for Respondents – State : Mr. A. B. Chate**

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CORAM : SANDIPKUMAR C. MORE, J.

DATE : 2 1.11.2022

PER COURT :

The respective applicants herein are seeking permission to withdraw the entire remaining amount of compensation which has been deposited by the Acquiring Body. However, the record shows that this Court vide order dtd.04.09.2020 by considering the rival submissions made on behalf of the applicants and Acquiring Body only permitted 40% of the deposited amount at the relevant time

which was of 75% of the total compensation by specifically observing that the learned Reference Court had enhanced the compensation amount by 40%, it was awarded by the S.L.A.O. This Court thus had found that there is arguable case for the acquiring body.

2. The learned counsel for the applicants submits that when the aforesaid withdrawal order was passed on 75% of the total compensation amount was deposited and now considering the deposit of remaining 25% there can be ordered for withdrawal from the same. However, considering the earlier order as mentioned above, this Court is not inclined to grant further withdrawal. As such, the applications are rejected. Whatever the balance amount of compensation is there in these matters, the same be invested in F.D.R. in any Nationalized Bank till disposal of these appeals.

(SANDIPKUMAR C. MORE)
JUDGE

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shp/-