

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

911 CIVIL APPLICATION NO.7004 OF 2022
IN FAST/39041/2019

SANJAY NEMINATH AMBEKAR-JAIN

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE SPECIAL LAND
ACQUISITION OFFICER, JAYAKWADIPRO. AURANGABAD AN

...

Advocate for Applicant : Mr. D. A. Bide.

AGP for Respondent/State: Mr. A. B. Chate.

...

AND

912 CIVIL APPLICATION NO.7005 OF 2022
IN FAST/39044/2019

GANESH NEMINATH AMBEKAR-JAIN

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE SPECIAL LAND
ACQUISITION OFFICER, JAYAKWADIPRO. AURANGABAD AN

...

Advocate for Applicant : Mr. D. A. Bide.

AGP for Respondent/State: Mr. A. B. Chate.

...

AND

920 CIVIL APPLICATION NO.7071 OF 2022
IN FAST/39014/2019

SUDHAKAR NEMINATH AMBEKAR-JAIN

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE SPECIAL LAND
ACQUISITION OFFICER, JAYAKWADIPRO. AURANGABAD AN

...

Advocate for Applicant : Mr. D. A. Bide.

AGP for Respondent/State: Mr. S. P. Deshmukh

...

CORAM : **SHRIKANT D. KULKARNI, J.**

DATE : 05th May, 2022.

P.C.:

. These are the applications for withdrawal of compensation amount moved by the respective applicants/claimants.

2 Heard Mr. Bide, learned counsel for the respective applicants/claimants and the learned AGPs the State in respective matters.

3 It is revealed during the course of argument that the State/acquiring body has deposited the amount of compensation with the Reference Court / Executing Court. The Executing Court was pleased to reject the applications for withdrawal of compensation amount mainly on the ground that the appeal is *sub-judice* before this Court.

4 Only because the appeal is *sub-judice* before this Court is not a ground to reject the application for withdrawal of compensation. The approach of the Reference Court / Executing Court appears to be hyper technical. As the amount is deposited with the Reference Court / Executing Court, it is necessary to issue directions to the Reference Court / Executing Court as under:

ORDER

- I. The applications are disposed of with following directions to the Reference Court / Executing Court:

- II. The respective applicants/claimants shall file fresh applications for withdrawal of compensation with the Reference Court / Executing Court within a week from today.
- III. Upon receiving such applications for withdrawal of compensation from the respective applicants/claimants, the Reference Court / Executing Court shall decide the same on their own merits in the light of the orders passed by this Court regarding withdrawal of compensation in various civil applications as a guiding factor.
- IV. The Reference Court / Executing Court shall not reject the applications for withdrawal of compensation only because the appeal is *sub-judice* before this Court.
- V. After receiving such applications for withdrawal of compensation, the Executing Court shall decide the same thereafter, within a week after giving an opportunity of being heard to both the sides.
- VI. The applications are accordingly disposed of in view of above directions.

[SHRIKANT D. KULKARNI, J.]