

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

917 CIVIL APPLICATION NO.7053 OF 2022
IN FAST/39020/2019

VIJAY 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. N. Morampalle.

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

DATE : 05th May, 2022.

P.C.:

. It is an application for withdrawal of compensation amount moved by the applicant/claimant.

2 Heard Mr. Bide, learned counsel for the applicant/claimant and Mr. Morampalle, learned AGP for the respondent/State.

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. As such, it would be appropriate to dispose of this application with directions to the Reference Court / Executing Court as under:

ORDER

- I. The application is disposed of with following directions to the Reference Court / Executing Court:
- II. The applicant/claimant shall file fresh application for withdrawal of compensation with the Reference Court / Executing Court within a week from today.
- III. Upon receiving such application for withdrawal of compensation from the applicant/claimant, the Reference Court / Executing Court shall decide the same on its 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 application for withdrawal of compensation only because the appeal is *sub-judice* before this Court.
- V. After receiving such application 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 application is accordingly disposed of in view of above directions.

[SHRIKANT D. KULKARNI, J.]