

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

950 CIVIL APPLICATION NO.7162 OF 2022
IN FA/2772/2021

KADUBAI DHONDIRAM KARHALE (DIED) THROUGH LRS
SHASHIKALA SURESH AVAHALE

VERSUS

EX. ENGINEER, MINOR IRRIGATION DIV. NO. 1 AURANGABAD UNDER
GMIDC, AURANGABAD AND ANOTHER

...

Advocate for Applicant : Mr. Sagar Nandkishor Pahune Patil.

Advocate for Respondent No.1 : Mr. B. R. Surwase.

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

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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. Pahune Patil, learned counsel for the applicant/claimant, Mr. Surwase, learned counsel for respondent No.1/ acquiring body and Mr. Deshmukh, learned AGP for the State.

3 It is revealed during course of argument that the acquiring body has deposited 80% of the amount of compensation with accrued interest thereon in this Court as per the order passed by this Court.

4 It is a practice followed by this Court to allow the claimants arising out of land acquisition matters to withdraw 75% of the amount of compensation with accrued interest thereon. In this case, the acquiring body has deposited 80% of the amount of compensation with interest. Meaning thereby the interest of the acquiring body has been protected by retaining 20% of the amount of compensation.

5 Having considered all these aspects and the submissions of the learned counsel for both the sides, I am convinced to allow the applicant/claimant to withdraw entire 80% of the amount of compensation as under:

ORDER

- I. The application is hereby allowed as under:
- II. The applicant/claimant is hereby permitted to withdraw 50% of the amount of compensation with accrued interest thereon on furnishing usual undertaking with the Registrar (Judicial) of this Court.
- III. The applicant/claimant is further permitted to withdraw 30% of the amount of compensation with accrued

interest thereon on furnishing solvent surety/security
to the satisfaction of the Registrar (Judicial) of this
Court.

IV. The application is accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]

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