

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

951 CIVIL APPLICATION NO.7163 OF 2022
IN FA/3113/2021

BALU EKNATH GOTE AND ANOTHER
VERSUS
THE EX. ENGINEER, MINOR IRRIGATION DIV. NO. 1 AURANGABAD
UNDER GMIDC, AURANGABAD AND ANOTHER

...

Advocate for Applicants : Mr. Sagar Nandkishor Pahune Patil.

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

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

...

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

DATE : 05th May, 2022.

P.C.:

. It is an application for withdrawal of compensation amount moved by the applicants/claimants.

2 Heard Mr. Pahune Patil, learned counsel for the applicants/claimants, Mr. Surwase, learned counsel for respondent No.1/acquiring body and Mr. Chate, 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 applicants/claimants to withdraw entire 80% of the amount of compensation as under:

ORDER

- I. The application is hereby allowed as under:
- II. The applicants/claimants are 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 applicants/claimants are 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.]

nga