

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

- (01) CIVIL APPLICATION NO. 11439 OF 2022 IN
FIRST APPEAL NO. 2447 OF 2021 WITH
- (02) CIVIL APPLICATION NO. 10984 OF 2022 IN
FIRST APPEAL NO. 2449 OF 2021 WITH
- (03) CIVIL APPLICATION NO. 10985 OF 2022 IN
FIRST APPEAL NO. 2445 OF 2021 WITH
- (04) CIVIL APPLICATION NO. 10991 OF 2022 IN
FIRST APPEAL NO. 2451 OF 2021 WITH
- (05) CIVIL APPLICATION NO. 10993 OF 2022 IN
FIRST APPEAL NO. 2444 OF 2021 WITH
- (06) CIVIL APPLICATION NO. 10995 OF 2022 IN
FIRST APPEAL NO. 2407 OF 2021 WITH
- (07) CIVIL APPLICATION NO. 10986 OF 2022 IN
FIRST APPEAL NO. 2448 OF 2021 WITH
- (08) CIVIL APPLICATION NO. 10988 OF 2021 IN
FIRST APPEAL NO. 2439 OF 2021 WITH
- (09) CIVIL APPLICATION NO. 10989 OF 2021 IN
FIRST APPEAL NO. 2446 OF 2021 WITH
- (10) CIVIL APPLICATION NO. 10974 OF 2022 IN
FIRST APPEAL NO. 2480 OF 2021 WITH
- (11) CIVIL APPLICATION NO. 10987 OF 2022 IN
FIRST APPEAL NO. 2441 OF 2021 WITH
- (12) CIVIL APPLICATION NO. 10983 OF 2022 IN
FIRST APPEAL NO. 2442 OF 2021 WITH
- (13) CIVIL APPLICATION NO. 10975 OF 2022 IN
FIRST APPEAL NO. 2452 OF 2021 WITH
- (14) CIVIL APPLICATION NO. 10978 OF 2022 IN
FIRST APPEAL NO. 3341 OF 2021 WITH
- (15) CIVIL APPLICATION NO. 10979 OF 2022 IN
FIRST APPEAL NO. 2443 OF 2021 WITH
- (16) CIVIL APPLICATION NO. 10981 OF 2022 IN
FIRST APPEAL NO. 2479 OF 2021 WITH
- (17) CIVIL APPLICATION NO. 10982 OF 2022 IN
FIRST APPEAL NO. 2455 OF 2021

CORAM : SANDIPKUMAR C. MORE J.

DATE : 10th August, 2022.

PC :

The applicants-claimants in all these applications seek permission to withdraw the compensation amount.

2 The learned Counsel for the acquiring body has pointed out that entire amount of compensation, in all these matters, is already deposited with this Court.

3 The learned Counsel for the applicants placed reliance on the order dated 05.05.2022, passed by this Court in other similar application bearing C. A. No.7163 of 2022 in F. A. No. 3113 of 2021 whereby the entire deposited amount by the acquiring body was allowed to be withdrawn. It reveals that in the said matter, the acquiring body had deposited 80% of the compensation amount and this Court had observed that interest of the acquiring body is protected by retaining 20% of the compensation amount.

4 The learned Counsel for the Respondent-acquiring body strongly opposes for such withdrawal of the compensation amount on the ground that exorbitant compensation has been granted to the claimants.

5 In view of the same, I am of the opinion that 80% of the compensation amount, in each matter, can be permitted to be withdrawn by respective applicants-claimants. Accordingly, following order is passed:

(a) Applications are partly allowed.

(b) The respective applicants-claimants, in each applications, are hereby permitted to withdraw 50% of their respective amount of compensation along with the accrued interest thereon by furnishing usual undertaking with the Registrar (J) of this Court.

(c) The respective applicants-claimants are further permitted to withdraw respective 30% amount of

compensation along with interest thereon on furnishing solvent security to the satisfaction of the Registrar (J) of this Court.

6 The applications are accordingly stand disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

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