

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

CIVIL APPLICATION NO. 8617 OF 2021
IN
FIRST APPEAL STAMP NO. 8283 OF 2020

EKNATH SANDU PATIL AND ANR.

VERSUS

THE DISTRICT COLLECTOR, JALGAON AND ORS.

Mr A.B. Kale, Advocate for Applicants
Mr S.N. Morampalle, AGP for Respondent Nos. 1 to 3/State
Mr A.D. Pawar, Advocate for respondent Nos. 4 and 5

WITH
CIVIL APPLICATION NO. 8618 OF 2021
IN
FIRST APPEAL STAMP NO. 8287 OF 2020

CHINTAMAN ARJUN BHONDE

VERSUS

THE DISTRICT COLLECTOR, JALGAON AND ORS.

Mr A.B. Kale, Advocate for Applicants
Mr S.N. Morampalle, AGP for Respondent Nos. 1 to 3/State
Mr A.D. Pawar, Advocate for respondent Nos. 4 and 5

CORAM : SHRIKANT D. KULKARNI, J.
DATE : 22nd APRIL, 2022

PER COURT :

1. These are the applications for withdrawal of compensation amount moved by the applicants/claimants.
2. Heard Mr A.B. Kale, learned counsel for the claimants, Mr A.D. Pawar, learned counsel for acquiring body/respondent Nos. 4 and 5 and Mr S.N. Morampalle, learned AGP for respondent Nos. 1 to 3/State.

3. Perused the papers.

4. It is revealed during the course of argument that this Court was pleased to grant stay to the operation and execution of the impugned Judgment and award passed by the Reference Court vide order dated 28th January, 2021 to deposit 75% of the amount of compensation within a period of twelve weeks.

5. According to Mr A.B. Kale, learned counsel for the original claimants, the acquiring body has deposited 25% of the amount of compensation with interest in this Court out of 75%. Whereas Mr A.D. Pawar, learned counsel for the acquiring body submits that the acquiring body has deposited 27% of the amount of compensation in this Court and 75% of the amount of compensation in the Reference Court in view of the instructions received by him from the officer, who is present in the Court.

6. Be that as it may, as on today, I am concerned about the withdrawal of compensation amount which is deposited in this Court. There is no difficulty to allow the applicants/original claimants to withdraw entire amount of compensation which is lying in this Court. So far as the remaining amount of compensation deposited by the acquiring body in the Reference Court/executing Court is concerned, that can be called in this Court by issuing necessary directions to the executing Court so that further order would be passed regarding payment. With these observations, I proceed to pass the following order :-

ORDER

(A) The applications are hereby allowed as under :-

- (i) The applicants/claimants are hereby permitted to withdraw entire amount of compensation deposited by the acquiring body in this Court on furnishing usual undertaking to the Registrar (Judicial) of this Court.
- (ii) The Registry is directed to ask the Reference Court/executing Court to transfer the amount of compensation with interest whatever it may be deposited by the acquiring body with it to this Court by way of e-transfer as early as possible.
- (iii) The Registrar (Judicial) is requested to communicate this order forthwith to the concerned Reference Court/executing Court accordingly.
- (iv) The civil applications are accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)

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