

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

**34 CIVIL APPLICATION NO.11996 OF 2022
IN FA/2742/2019**

**HASAN BABULAL SHAIKH (DIED) THR LRS AMINA AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Applicants : Mr. Doke Kishor R.
AGP for Respondents – State : Mr. P. N. Kutti
...

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 22.08.2022

PER COURT :

. Heard rival submissions.

2. The applicants, who are the legal representatives of original claimant, are seeking withdrawal of entire amount of award along with the interest accrued thereon which has already been deposited by the respondent - Acquiring Body as per order dated 02.05.2019.

3 The learned AGP strongly opposed for such withdrawal on the ground that exorbitant compensation has been awarded by the Reference Court. However, partial amount can be allowed to be withdrawn by the applicants.

4. In view of the same, following order is passed :

ORDER

(i) The applicants are allowed to withdraw 75 % of the deposited compensation amount along with the accrued interest thereon till date, on usual undertaking to the satisfaction of the Registrar (Judicial) of this Court. The remaining amount be invested in F.D.R. in any Nationalised bank till the disposal of the appeal.

(ii) Application accordingly stands disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

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shp/-