

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

928 CIVIL APPLICATION NO.17181 OF 2022
IN FA/2463/2021 WITH CA/10739/2021 IN FA/2463/2021

CHINDHABAI DAYARAM PATIL (DIED) THR LRS DAGA (DIED) THR
LRS MIRABAI AND ORS

VERSUS

THE EX. ENGINEER MINOR IRRIGATION DIV. NO. 1
AURANGABAD AND ANR

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Advocate for Applicants : Mr. V. B. Wayal

AGP for Respondent No.2: Mr. S. R. Yadav

Advocate for Respondent No.1 : Mr. S. B. Patil

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 22/12/2022.

P. C. :

IN CIVIL APPLICATION NO.17181 OF 2022 :

1. Heard rival submissions.
2. The applicants are seeking withdrawal of the entire amount of compensation, which has been deposited by the acquiring body alongwith the interest accrued thereon.
3. The learned counsel for the acquiring body strongly opposed the application on the ground that the reference court has granted exorbitant amount of compensation, which is beyond four times of the amount granted by SLAO.
4. In view of the same and considering the enhancement granted by the learned reference court, which is more than four times, the applicants are permitted to withdraw 75% of the deposited amount of compensation alongwith the proportionate

accrued interest thereon of which 50% of same on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this court and 25% on furnishing solvent surety / security.

5. The remaining amount be invested in FDR in any nationalized bank on yearly renewal basis till final disposal of this appeal.

6. The civil application is accordingly disposed of.

IN CIVIL APPLICATION NO.10739 OF 2021:

Since the acquiring body has deposited the entire amount of compensation, the application is made absolute in terms of prayer clause-B and disposed of accordingly.

(SANDIPKUMAR C. MORE, J.)