

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

947 CIVIL APPLICATION NO.14804 OF 2022
IN FAST/11234/2021 WITH CA/12935/2021 IN FAST/11603/2021
WITH CA/12929/2021 IN FAST/11234/2021 WITH
CA/14805/2022 IN FAST/11603/2021 WITH CA/12931/2021 IN
FAST/11234/2021 WITH CA/12934/2021 IN FAST/11603/2021

UDHAV DAGADU AWASARE (DIED) THR LRS RAMA AND ANR
VERSUS
THE STATE OF MAHARASHTRA, THROUGH THE COLLECTOR,
OSMANABAD AND OTHERS

...
Advocate for Applicants : Mr. A. S. More
AGP for Respondent Nos.1 & 3: Mr.A. B. Chate
Advocate for Respondent No.2 : Mr. M. S. Kulkarni

....
CORAM : SANDIPKUMAR C. MORE, J.
DATED : 30/11/2022.

P. C. :

**IN CIVIL APPLICATION NO.14804 OF 2022 AND CIVIL
APPLICATION NO.14805 OF 2022 :**

1. Heard rival submissions.
2. The applicants in both these applications are seeking withdrawal of their respective entire amounts of compensation, which have been deposited by the acquiring body alongwith the interest accrued thereon.
3. The learned counsel for the acquiring body as well as the learned AGP opposed the application on the ground that the reference court has granted exorbitant amount of compensation. The learned counsel for the acquiring body also pointed out that the learned reference court has granted interest under Section 23 of the Act from the date of notification but it should have been from the date of award.

4. However, it seems that the enhancement by the reference court is of 5 times and the acquiring body has deposited only 75% of the total compensation amount. An view of the same, the respective applicants are permitted to withdraw their respective deposited amounts alongwith the interest accrued thereon till date on usual undertaking to the satisfaction of the Registrar (Judicial) of this court.

5. The civil applications are accordingly disposed of.

IN CIVIL APPLICATION NO.12929 OF 2021 AND CIVIL APPLICATION NO.12934 OF 2021 :

1. The acquiring body is seeking condonation of 323 days in both these applications, which appears to be caused due to obtaining sanctions at various stages.

2. There is no strong objection from other side.

3. In view of the same, delay of 323 days stands condoned in both the applications.

4. The appeals be placed for admissions after removal of office objections, if any.

5. The applications are accordingly disposed of.

IN CIVIL APPLICATION NO.12935 OF 2021 AND CIVIL APPLICATION NO.12931 OF 2021 :

Since the acquiring body has deposited 75% amount of the impugned awards alongwith the interest, the applications are made absolute in terms of prayer clause -A and disposed of accordingly.

(SANDIPKUMAR C. MORE, J.)