

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

**43 CIVIL APPLICATION NO. 15638 OF 2022
IN FAST/6031/2021**

**SHAHAJI BHIVA WAGHMODE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH
THE COLLECTOR, OSMANABAD AND OTHERS**

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Advocate for Applicants : Ms. S. A. Kale h/f.

Mr. Ajeet B. Kale

AGP for Respondent -State : Mr. S. R. Yadav-Lonikar,

**Advocate for Respondent No.3 : Mr. A. H. Koralkar,
Mr. G. B. Rajale**

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CORAM : SANDIPKUMAR C. MORE, J.

DATE : 19/12/2022.

PER COURT :

Heard rival submissions. The applicants are seeking withdrawal of entire amount of compensation along with the interest which has been deposited by respondent No. 3 -Acquiring Body. The learned counsel for respondent No. 3 -Acquiring Body strongly opposed the application on the ground that the Reference Court has granted exorbitant compensation and also awarded interest from the date of possession and not from the date of award. In view of the same, following order is passed :-

ORDER

- (i) The applicants are permitted to withdraw 75% of the deposited amount along with the accrued interest thereon

on furnishing usual undertakings to the satisfaction of Registrar (Judicial) of this Court.

(ii) The remaining amount be invested in F.D.R. in any Nationalized bank on yearly renewal basis till final disposal of the appeal.

(iii) The application is accordingly disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

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shp/-