

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

**CIVIL APPLICATION NO. 1391 OF 2023 IN
FIRST APPEAL ST. NO. 3276 OF 2023
AND
CIVIL APPLICATION NO. 1444 OF 2023 IN
FIRST APPEAL ST. NO. 3382 OF 2023**

Mr. B. R. Survase, advocate for the Applicant
Mr. A. M. Hajare, advocate with Mr. R. H. Kurhe, advocate for
Respondents No.1 to 3.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 19th June, 2023.

PC :

Heard rival submissions.

The applicant-acquiring body is seeking condonation of delay of 243 days, in these two applications, which appears to be caused due to obtaining approvals at various stages. There is no strong objection from the respondent-claimants.

Hence, by considering the statutory right of the applicant, delay of 243 days, in both the matters, stands condoned.

Appeals be placed for admission after removal of

office objections, if any.

Civil Applications are disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

adb

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

**CIVIL APPLICATION NO. 1392 OF 2023 IN
FIRST APPEAL ST. NO. 3276 OF 2023
AND
CIVIL APPLICATION NO. 1445 OF 2023 IN
FIRST APPEAL ST. NO. 3382 OF 2023**

Mr. B. R. Survase, advocate for the Applicant
Mr. A. M. Hajare, advocate with Mr. R. H. Kurhe, advocate for
Respondents No.1 to 3.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 19th June, 2023.

PC :

Since the appellant-acquiring body has deposited the amounts of compensation in both these matters, as directed by this Court, the Civil Applications are made absolute in terms of prayer clause {B} and disposed of.

Civil Applications are disposed of.

**(SANDIPKUMAR C. MORE)
JUDGE**

adb

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

**CIVIL APPLICATION NO. 6782 OF 2023 IN
FIRST APPEAL ST. NO. 3382 OF 2023**

Smt. Geetabai Kasalsingh Jadhav (died)
through L. Rs. & another Applicants.

Versus

Executive Engineer, Minor Irrigation
Division, Nanded & others Respondents

Mr. A. M. Hajare, advocate with Mr. R. H. Kurhe, advocate for
the applicants.

Mr. B. R. Surwase, advocate for Respondent No.1.

Mr. S. N. Kendre, AGP for Respondents No.2 & 3.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 19th June, 2023.

PC :

The applicants are seeking withdrawal of entire amount of compensation, which has been deposited by the appellant-acquiring body. However, it seems that the acquiring body has deposited only 75% of the total compensation amount.

The learned Counsel for the appellant-acquiring body strongly opposed the application on the ground that the

Reference Court has granted exorbitant compensation in respect of the trees.

In view of the same, since the compensation in respect of the land is within four times and there is deposit of only 75% amount of the total compensation, the applicants are permitted to withdraw 60% of the total compensation along with proportionate interest accrued thereon by furnishing usual undertaking to the satisfaction of Registrar (J) of this Court. The remaining amount of 15% of total compensation be invested in FDR, in any Nationalised Bank, on yearly renewal basis, till final disposal of this appeal.

Civil Application is disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

adb