

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

**929 CIVIL APPLICATION NO.3078 OF 2023
IN FA/1571/2022 WITH CA/10120/2022 IN FA/1571/2022**

**MOHAN GANGARAM KOLEKAR
VERSUS
THE STATE OF MAHARASHTRA**

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Mr. Abhijit More, Advocate for the applicant.
Mr. S.N. Kendre, A.G.P. for respondent No.1 – State.
Mr. M.S. Kulkarni, Advocate for respondent No.3.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 3rd May 2023.

ORDER:-

IN CIVIL APPLICATION NO. 3078 OF 2023:

1. Heard rival submissions.
2. The applicants are seeking withdrawal of entire deposited amount of compensation, which has been deposited by the Acquiring Body alongwith the interest accrued thereon. The Acquiring Body has deposited 75% of the impugned award.
3. The learned Counsel for the Acquiring Body strongly opposed the application on the ground that exorbitant amount of compensation in respect of valuation of house is awarded by the learned Reference Court, relying upon the valuer's report which was prepared in absence of the Acquiring Body.

4. In view of the same, the applicants herein are permitted to withdraw 50% of the entire amount of compensation alongwith the proportionate interest accrued thereon till date, on usual undertaking to the satisfaction of the Registrar (Judicial) of this Court. The remaining amount be kept in F.D.R. in any Nationalized Bank on yearly renewal basis, till final disposal of this appeal.

4. The civil applications are accordingly disposed of.

IN CIVIL APPLICATION NO. 10120 OF 2022 :

. Since the appellant – Acquiring Body has deposited amounts of compensation as directed by this court, the application is made absolute in terms of prayer clause-A and disposed of.

(SANDIPKUMAR C. MORE, J.)