

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

**7 CIVIL APPLICATION NO.7744 OF 2023
IN FA/2741/2019**

**JAYSHRI SIDDHAPPA BORALE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR OSMANABAD
AND ORS**

Mr.L.C. Patil, Advocate for the applicant.
Mr.S.S. Dande, AGP for the respondent/State.

**CORAM : KISHORE C. SANT, J.
DATED : 04.09.2023**

PC :-

01. Heard learned Advocate for the applicant. This application is filed for withdrawal of amount deposited by the appellant-acquiring body, challenging the award passed by the learned Reference Court. The respondent in this application has deposited total amount of Rs.49,00,756/- in this Court. It is submitted that the present applicant has filed reference for enhancement in respect of the land acquired for Manjara project. It is submitted that in the same project other claimants had also filed references. Those were allowed and the same rate was given in those cases as well. In such cases the Acquired Body has acquiesced and has even paid amount of enhancement. The learned Advocate for the applicant made request before this Court for withdrawal of 100% amount.

02. In this view of the matter, the applicants are allowed to withdraw 75% amount with accrued interest, if any, on giving undertaking that in case the appeal is allowed, the claimant shall re-deposit the withdrawn amount within four weeks from the date of the judgment. Remaining 25% amount shall be deposited in fixed deposit in any nationalized bank on yearly renewal basis.

03. The civil application is accordingly allowed and disposed off.

[KISHORE C. SANT, J.]