

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

**CIVIL APPLICATION NO.3406 OF 2023 IN
FIRST APPEAL NO. 2125 OF 2022**

Raosaheb s/o Balbhim Jagtap

Applicant

Versus

The State of Maharashtra & others

Respondents

Mr. S. Y. Mahajan, advocate for the Applicant

Mr. S. S. Dande, AGP for Respondents No.1 & 2.

Mr. G. B. Rajale, advocate for Respondent No.3.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 15th March, 2023.

PC :

The appearance of advocate Mr. Ruturaj C. Patil be discharged since advocate Mr. Rajale has already appeared on behalf of the acquiring body.

Heard rival submissions.

The applicant is seeking withdrawal of amount of compensation deposited by the acquiring body. There appears dispute in respect of calculation of exact amount payable to the claimant under the award.

According to the learned Counsel for the applicant,

the total amount comes, as per the award till 10.11.2022, to Rs.23,58,593/-. However, the acquiring body has deposited only amount of Rs.18,89,424/-, that means less by around Rs.4 lakhs.

The calculation given by the applicant, in para 8 of the application, appears proper. Therefore, considering the enhancement of 9 times by the Reference Court, the applicant is permitted to withdraw an amount of Rs.15,00,000/- from the deposited amount at this juncture, without any interest, by furnishing usual undertaking to the satisfaction of Registrar (J) of this Court. The remaining amount 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

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