

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

953 CIVIL APPLICATION NO.4650 OF 2023
IN FA/1947/2022

PARVATIBAI FAKIRA GAYKE AND ANR
VERSUS
THE EX. ENGINEER, IRRIGATION DIV. AURANGABAD AND ANR

...
Advocate for Applicants : Mr. Pahune Patil Sagar Nandkishor
AGP for Respondent -State: Mr. S. W. Mundhe
Advocate for Respondent No.1 : Mr. S. M. Ganachari
....

**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 18/04/2023.**

P. C. :

1. Heard rival submissions.
2. The applicants are seeking withdrawal of the entire balance amount of compensation, which has been deposited by the acquiring body alongwith the interest accrued thereon.
3. The learned counsel for the acquiring body strongly opposed the application on the ground that the applicants have already withdrawn substantial amount of 50% of the total compensation under the orders of this court and considering the nine times compensation granted by the reference court in respect of the trees, further withdrawal should not be permitted.
4. However, it appears that the learned reference court had granted rate of only Rs.500/- per R in respect of the land against the rate of Rs.379/- per R. Further, it appears that the reference court has granted amount around Rs.9 Lakhs in respect of the trees against the amount around Rs.1 Lakh granted by the SLAO.

Even after deduction of the compensation granted in respect of the trees from the entire compensation, the applicants can be permitted to withdraw the remaining amount of compensation granted in respect of the land which approximately comes to Rs.15 Lakhs. As such, the applicants herein are permitted to withdraw amount of Rs.15 Lakhs from the balance amount of compensation alongwith the proportionate interest accrued thereon till date on usual undertaking to the satisfaction of the Registrar (Judicial) of this court.

5. The remaining amount be kept in FDR in any nationalized Bank on yearly renewal basis till final disposal of this appeal.
6. The civil application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)