

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

CIVIL APPLICATION NO.6868 OF 2023
IN FA/2158/2022 WITH CA/328/2008 IN FA/2158/2022

CHUNILAL LAKHMICHAND BAPHANA DIED THR LRS SATISH C.
BAPHNA AND ORS
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicants : Mr. Vijay Prabhakar Rao Latange
AGP for Respondents: Mr. P.M. Kulkarni.

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 23rd JUNE, 2023

ORDER :-

IN CIVIL APPLICATION FOR WITHDRAWAL :-

By this application, the applicants are seeking permission to withdraw the amount deposited by the respondent as per the award passed by the Reference Court.

Mr. Latange, learned advocate appearing for the applicant submits that lands of the applicants have been acquired for percolation tank in the year 1989. The Reference Court passed an award in the year 2001. Till this date, applicants have not received the fruits of the said award. Referring to the reasoning given by the Reference Court in LAR No. 259 of 1994, he would submit that the enhancement of

compensation has been granted based on the evidence that was recorded before the Reference Court.

Learned AGP submits that excessive compensation has been awarded.

Considering the submissions advanced, the applicants are permitted to withdraw 75% of the amount deposited in this court alongwith interest accrued thereon, with usual undertaking to be furnished with the Registrar (Judicial) of this Court.

IN FIRST APPEAL :-

Call for R. & P.

[S.G. CHAPALGAONKAR]
JUDGE

grt/-