

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

**CIVIL APPLICATION NO. 3489 OF 2023 IN
FIRST APPEAL NO. 1454 OF 2010**

Sahebrao Kashinath Surwase
(died), through L.Rs. & others

Applicants

Versus

Deputy Engineer, Construction,
Central Railway Office, Pune-1.

Respondent

Mr. R. B. Dhaware, advocate for the Applicants
Mr. D. V. Soman, advocate for the Respondent.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 11th April, 2023.

PC :

Heard rival submissions.

The applicants are seeking withdrawal of entire amount of compensation, which has been deposited by the appellant-acquiring body.

The learned Counsel for the appellant-acquiring body has strongly opposed the application on the ground that the applicants have already withdrawn 50% of the deposited amount. He pointed out that the learned Reference Court has

enhanced the compensation amount almost 10 times more than the amount granted by the SLAO.

However, the learned Counsel for the applicants pointed out that there was mistake in calculating the entire amount of compensation and, therefore, under order dated 25th February, 2014, this Court had directed the Nazir to calculate the total amount of compensation as per the award. Thereafter, vide report dated 02.05.2014, filed by the Nazir of this Court, it was revealed that there was due amount of Rs.6,38,960/- in addition to amount of Rs.9,93,655/- which was already deposited. Admittedly, the applicants have withdrawn 50% of the amount from earlier deposited amount of Rs.9,93,655/-. However, no such withdrawal was permitted thereafter from the subsequently deposited amount of Rs.6,38,960/-.

In view of the same, the applicants herein are permitted to withdraw 50% of the subsequently deposited amount of Rs.6,38,960/- along with proportionate interest accrued thereon on till date 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

adb

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

**CIVIL APPLICATION NO. 3490 OF 2023 IN
FIRST APPEAL NO. 1452 OF 2010**

Dinanath Gyanba Jadhav
(died), through L.Rs.

Applicants

Versus

Deputy Engineer, Construction,
Central Railway Office, Pune-1.

Respondent

Mr. R. B. Dhaware, advocate for the Applicants
Mr. D. V. Soman, advocate for the Respondent.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 11th April, 2023.

PC :

Heard rival submissions.

The applicants are seeking withdrawal of entire amount of compensation.

However, it is pointed out by the learned Counsel for the acquiring body that the applicants have already withdrawn 50% of deposited amount of compensation. Therefore, considering the enhancement granted by the Reference Court, which is almost 10 times more than the

granted by the SLAO, I am not inclined to grant further withdrawal.

As such, Civil Application stands rejected at this juncture.

(SANDIPKUMAR C. MORE)
JUDGE

adb

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

**FIRST APPEAL NO. 1452 OF 2010
WITH
FIRST APPEAL NO. 1431 OF 2010
WITH
X-OBJ. NO. 104 OF 2022 IN
FIRST APPEAL NO. 1453 OF 2010
WITH
FIRST APPEAL NO.1454 OF 2010
WITH
FIRST APPEAL NO. 1432 OF 2010
WITH
FIRST APPEAL NO. 1453 OF 2010**

Mr. D. V. Soman, advocate for the appellants.
Mr. R. B. Dhaware, advocate for the Respondents-claimants.
Mr. S. K. Naikwade, advocate for Applicant in X-Objection.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 11th April, 2023.

PC :

By consent, these matters are fixed for final
hearing on 28th September, 2023.

**(SANDIPKUMAR C. MORE)
JUDGE**

adb