

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

**931 CIVIL APPLICATION NO.3785 OF 2023
IN FA/797/2022 WITH CA/5890/2022 IN FA/797/2022**

**RADHESHYAM S/O NAGNATH PATIL (DIED) THROUGH LRS
LEELA R. PATIL AND OTHERS
VERSUS
EX. ENGINEER, MEDIUM PROJECT DIV. NANDED UNDER
GMIDC, AURANGABAD AND OTHERS**

...

Mr. Yogesh Deshmukh, Advocate for the applicants.
Mr. B.R. Surwase, Advocate for respondent No.1.
Mr. S.N. Morampalle, A.G.P. for respondent Nos.2 and 3.

...

CORAM : SANDIPKUMAR C. MORE, J.

DATED : 24th March 2023.

ORDER:-

IN CIVIL APPLICATION NO. 3785 OF 2023 :

1. Heard rival submissions.
2. The applicants are seeking withdrawal of the entire deposited amount of compensation alongwith the interest accrued thereon. The Acquiring Body has deposited 75% of the compensation amount.
3. The learned counsel for the respondent Acquiring Body opposed the application on the ground that the Reference Court has granted exorbitant amount of compensation in respect of fruit bearing trees, tick wood structures, pipeline, etc.

4. In view of the same and considering the enhancement granted by the learned Reference Court, the applicants are permitted to withdraw the entire deposited amount of compensation alongwith the interest accrued thereon till date i.e. 50% on usual undertaking and 25% on furnishing solvent security / surety to the satisfaction of the Registrar (Judicial) of this Court.

5. The civil application is accordingly disposed of.

IN CIVIL APPLICATION NO. 5890 OF 2022 :

. Since the appellant Acquiring Body in this application has deposited 75% of the compensation amount alongwith the interest, the application is made absolute in terms of prayer clause (B) and disposed of.

(SANDIPKUMAR C. MORE, J.)