

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

930 CIVIL APPLICATION NO.9084 OF 2023
IN FAST/4570/2021 WITH CA/2864/2021 IN
FAST/4570/2021 WITH CA/2865/2021 IN FAST/4570/2021

SAGAJI JOTIRAM KASARE
VERSUS
THE STATE OF MAHARASHTRA THROUGH COLLECTOR,
OSMANABAD AND OTHERS

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Mr. Abhijit More, Advocate for the applicant.
Mr. B.V. Virdhe, A.G.P. for respondent Nos.1 and 2.
Mr. Vinod Patil, Advocate for respondent No.3.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 26.07.2023.

ORDER:-

IN CIVIL APPLICATION NO.9084 OF 2023 :

1. Heard rival submissions.
2. The applicant is seeking withdrawal of the entire amount of compensation, which has been deposited by the respondent Acquiring Body alongwith the interest accrued thereon.
3. The learned Counsel for the Acquiring Body strongly opposed the application on the ground that Reference Court has granted 6.5 times compensation than that of SLAO. Moreover, the interest was also awarded from date of possession which is much prior to the date of award.
4. In view of the same and considering the enhancement granted by the learned Reference Court, the applicant is permitted to withdraw 60% of the deposited 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.

IN CIVIL APPLICATION NO. 2864 OF 2021 :

1. The appellant – Acquiring Body is seeking condonation of delay of 471 days, which appears to be caused due to obtaining sanctions at various stages. There is no strong objection from other side and therefore the delay of 471 days stands condoned.

2. The appeal be placed for admission after removal of office objections, if any.

3. Application is accordingly disposed of.

IN CIVIL APPLICATION NO. 2865 OF 2021 :

. Since the appellant – Acquiring Body has deposited the compensation amount of compensation as directed by this court, the application is made absolute in terms of prayer clause-B and disposed of.

(SANDIPKUMAR C. MORE, J.)