

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

9 CIVIL APPLICATION NO.7205 OF 2023

IN FAST/11219/2019

LAXMI NARAYAN GUND AND ANR

VS

THE STATE OF MAHARASHTRA THRU THE COLLECTOR
OSMANABAD AND ORS

AND

CIVIL APPLICATION NO.7207 OF 2023

IN FA/2513/2019

SAMBHAJI SHIVAJI GUND AND ANR

VS

THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR,
OSMANABAD AND ORS

AND

CIVIL APPLICATION NO.7206 OF 2023

IN FA/2514/2019

MANDA RAJENDRA GUND

VS

THE STATE OF MAHARASHTRA AND ORS

Mr. Sanjay A. Wakure, Advocate for the applicants

Mr. S. S. Dande, AGP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 31st AUGUST, 2023

P. C.

1. These applications are filed for withdrawal of the amount of compensation deposited in this court by the appellant/acquiring body. The acquiring body had challenged

the award passed by the reference court by way of award has enhanced the amount of compensation to be paid to the applicants. The learned reference court has awarded compensation @ Rs.850/- per R. The learned SLAO had awarded @ Rs.150/- per R. It is seen that the learned reference court has considered the evidence produced by the parties and formed the opinion that reasonable rate would be Rs.850/- per R.

2. Learned AGP opposes the prayer.

3. In view of this, this court finds that civil applications can be allowed on certain conditions. Hence, the following order:

ORDER

a] Office to allow the applicants to withdraw 50% amount deposited in this court alongwith accrued interest if any on undertaking that if the appeals are allowed they would repay the amount within a

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period of four weeks from the date of judgment of this court and also office to allow the applicants to withdraw 25% amount alongwith accrued interest if any on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial). Remaining amount be deposited in fix deposit in any Nationalized bank on yearly renewal basis till final disposal of the appeals.

[KISHORE C. SANT, J.]

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