

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

927 CIVIL APPLICATION NO.217 OF 2023
IN FA/3735/2022 WITH CA/8888/2019 IN FA/3735/2022

KALYAN SANGAPPA MUKKE
VERSUS
THE STATE OF MAHARASHTRA, THROUGH THE DIST.
COLLECTOR, LATUR AND OTHERS

...
Advocate for Applicant : Mr. C. D. Biradar
AGP for Respondent-State: Mr. B. V. Virdhe
Advocate for Respondent No.3 : Mr. M. C. Swami

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CORAM : SANDIPKUMAR C. MORE, J.
DATED : 10/01/2023.

P. C. :

IN CIVIL APPLICATION NO.217 OF 2023 :

1. Heard rival submissions.
2. The respective applicant is seeking withdrawal of deposited amounts of compensation alongwith interest.
3. The learned counsel for the acquiring body strongly opposed the applications on the ground that the reference court has granted exorbitant compensation amounts. Moreover, the reference court has also awarded the interest under Section 28 from the date of notification and not from the date of award.
4. In view of the same, the present applicant is permitted to withdraw 50% of his share in deposited amounts alongwith the accrued interest thereon on usual undertaking to the satisfaction of Registrar (Judicial) of this court.
5. The balance amounts be invested in FDR in any nationalized bank on yearly renewal basis till final disposal of these appeals.

6. Application is accordingly disposed of.

IN CIVIL APPLICATION NO.8888 of 2019 :

Since the acquiring body has deposited the amount as per order of this court, the application is made absolute in terms of prayer clause-B and disposed of accordingly.

IN FIRST APPEAL NO.3735 OF 2022 :

The appeal be placed alongwith the cross-appeals filed by the claimants in respect of same awards.

(SANDIPKUMAR C. MORE, J.)