

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION NO.7822 OF 2023
IN FAST/20904/2020**

NARAYAN RANBA SIRSAT (DIED) THR LRS SURYAKANT
AND ORS
VERSUS
THE EXE. ENGINEER LATUR MEDIUM PRO., LATUR AND
ANOTHER

...

Mr. N. D. Kendre, Advocate for the Applicants.
Mrs. P. V. Diggikar, AGP for Respondents-State.
Mr. S. G. Bhalerao, Advocate for Respondent No.1.

...

**CORAM : S. G. CHAPALGAONKAR, J.
DATE : 14th JULY, 2023.**

PER COURT:-

1. By this application, the applicants seek to withdraw the amount deposited by the appellant/acquiring body in terms of the order passed by this Court in Civil Application for grant of stay.

2. Mr. Kendre, learned Advocate appearing for the applicants submits that the applicants have lost their lands in the year 1996 and till this date they are waiting for the adequate compensation. He would submit that the Reference Court after considering the comparative sell instances passed the Award. Further, the acquiring body has deposited only 50% of the Awarded amount. Therefore, seeks withdrawal of the entire amount.

3. Per contra, Mr. Bhalerao, learned Advocate appearing for the acquiring body submits that there are good grounds of appeal. An exponential enhancement has been granted by the

Reference Court. This Court after considering the merits, directed to deposit 50% of the amount as condition for stay to the Award, which has been complied. However, he opposes for withdrawal of the amount.

4. Having considered the submissions advanced and the reasoning appearing in the order passed by the Reference Court, the applicants can be permitted to withdraw the amount deposited by the appellant/acquiring body subject to certain conditions. Hence, the following order:-

ORDER

- a. Civil Application is allowed.
 - b. The applicants are permitted to withdraw the amount deposited by the appellant/acquiring body subject to furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.
5. Civil Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE