

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

956 CIVIL APPLICATION NO.5009 OF 2023
IN FA/3388/2021 WITH CA/13705/2021 IN FA/3388/2021

UJWALA BALCHAND MHASKE @ UJVALA KRUSHNA SALE
VERSUS

THE G.M.I.D.C., THR ITS EXECUTIVE ENGINEER, MINOR
IRRIGATION, DIV. NO.1, AURANGABAD AND ORS

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Advocate for Applicants : mR. Pahune Patil Nandkishor J.

AGP for Respondent Nos.2 & 3: Mr. S. W. Mundhe

Advocate for Respondent No.1 : Mr. R. B. Gaikwad

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 18/04/2023.

P. C. :

A) ORDER IN CIVIL APPLICATION NO.5009 OF 2023 :

1. Heard rival submissions.
2. The applicant is seeking withdrawal of the entire amount of compensation, which has been deposited by the acquiring body alongwith the interest accrued thereon.
3. The learned counsel for the acquiring body opposed the application on the ground that the reference court has granted exorbitant amount of compensation in respect of trees.
4. However, it seems that the compensation amount granted by the reference court in respect of lands and trees is within four times. In view of the same and considering the enhancement granted by the learned reference court, the applicant is permitted to withdraw 90% 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.

B) ORDER IN CIVIL APPLICATION NO.13705 OF 2021:

Since the appellant acquiring body has deposited entire amount of compensation alongwith the interest, the application is made absolute in terms of prayer clause-A and disposed of.

(SANDIPKUMAR C. MORE, J.)