

This order is corrected as per speaking to the minutes order dated 10.10.2023.

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

917 CIVIL APPLICATION NO.8225 OF 2023
IN FAST/14493/2020

BHALCHANDRA GANPATI NEE GANPAT MALI
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR,
OSMANABAD AND ORS

...

WITH
CA/8230/2023 IN FAST/15280/2020

WITH

CA/8232/2023 IN FAST/15283/2020

...

Advocate for Applicants : Mr. M.K. Jadhav h/f A S. More
AGP for Respondents : Ms P.V. Diggikar
Advocate for Respondent 2 : Ms .Sunita Shelke

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CORAM : S. G. CHAPALGAONKAR, J.
Dated: July 07, 2023

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PER COURT :-

1. Heard learned counsel for both sides.
2. Learned counsel appearing for the acquiring body submits that stay to the execution and operation of the impugned award was granted on the condition that the appellants shall deposit 60 per cent amount of total compensation. Accordingly, such amount of compensation is deposited in this Court.
3. Learned counsel appearing for the applicant submits that in similar matters arising out of the same execution proceedings and the Land Acquisition References, this Court while disposing of Civil Application No. 13575 of 2017 in First Appeal St. No.12567 of 2016 together with connected matters allowed the claimants/applicants

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to withdraw 90 per cent amount of compensation out of 60 per cent of total compensation amount.

4. Learned counsel for the applicant prays similar relief in this matter also.

5. In view of above, Civil Application is allowed. The applicant is permitted to withdraw 90 per cent amount of compensation out of 70 percent amount of total compensation deposited in this Court, on the condition that in case adverse orders are passed by this Court against the applicant, then the applicant will redeposit said amount in this Court within a period of 12 weeks from the date of such order. The remaining 10 per cent amount of compensation be deposited in fixed deposit in any nationalized bank for a period of two years or as per the directions of this Court till the decision of appeal.

6. Civil Application is disposed of.

(S. G. CHAPALGAONKAR, J.)

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