

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

990 CIVIL APPLICATION NO.8109 OF 2023
IN FA/2353/2022 WITH CA/8110/2023 IN FA/3919/2022 WITH
FA/2353/2022 WITH CA/11791/2022 IN FA/2353/2022 WITH
CA/15414/2022 IN FA/3919/2022

HIRAMAN CHINDHA KOLI DIED HIS LEGAL HEIR AND GPA HOLDER
GORAKH MANIK KOLI
VERSUS

THE EXECUTIVE ENGINEER HATNOOR PROJECT CHOPADA AND ORS

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Advocate for Applicants : Mr. H.P. Kshirsagar

AGP for Respondent/State : Mrs. R.P. Gaur

Advocate for Respondent 1 in CA 8109/23 : Mr. S.V. Mundhe

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CORAM : ARUN R. PEDNEKER, J.

DATED : 12/10/2023

PER COURT :

1. Heard the learned counsel for the respective parties. It is pointed out that there is enhancement of compensation by the Reference Court by of five times and thus, the appeals are filed by the Acquiring body.
2. In Civil Applications filed for withdrawal of amount by the original claimants/applicants, the learned counsel for the applicants has relied upon the order dated 14th July, 2023 passed by this Court in connected Civil Application No. 6876/2023 in First Appeal St. No. 20960/2020, by which this Court has permitted the applicants therein to withdraw 50% of the compensation amount.
3. The learned counsel for the Acquiring Body has produced the order dated 26th September, 2023 passed by this Court in Civil Application No. 9997/2023 in First Appeal No. 3015/2022, wherein the applicants therein are permitted to withdraw amount of Rs.1,00,00,000/- (Rupees one Crore only), where total amount of compensation deposited was Rs.

2,20,00,000/- (Rupees two Crore twenty lakh).

4. The learned counsel for the Acquiring Body submits that 45% of the compensation amount has been deposited and further amount is yet to be deposited.

5. In view of the above, the applicants are permitted to withdraw 50% of the entire amount of compensation as similarly directed by this Court in order dated 14th July 2023 in in connected Civil Application No. 6876/2023 in First Appeal St. No. 20960/2020, subject to the usual undertaking to the satisfaction of the Registrar Judicial of this Court. In the event there is short-fall of the amount on account of non deposit of the funds, the applicants are further permitted to withdraw the balance amount as and when it is deposited.

6. The learned counsel for the applicants submits that the entire amount be directed to be deposited in the account of applicant No. 2. The learned counsel further submits that he will file registered power of attorney deed to do so. Registry is permitted to deposit the amount in the account of applicant No. 2, provided that all the applicants remain present before the Registry of this Court and verify the power of attorney. Registry to verify the deed of general power of attorney of the legal heirs of deceased applicants. The undertaking as stipulated above to be filed by all the applicants.

7. Civil Applications for withdrawal of amounts are disposed of accordingly.

[ARUN R. PEDNEKER J.]

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