

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

940 CIVIL APPLICATION NO.11813 OF 2023
IN FIRST APPEAL NO.1903 OF 2023

PANDURANG S/O KONDIBA @ KONDIBHAU SANAP &
ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for the applicants : Mr.V.N.Rathod
AGP for Respondent-State : Mr.B.V.Virdhe

...
WITH
CIVIL APPLICATION NO.11431 OF 2022
IN FIRST APPEAL NO.1903 OF 2023
WITH
FIRST APPEAL NO.1903 OF 2023

...
THE STATE OF MAHARASHTRA & OTHERS
VERSUS
PANDURANG KONDIBA @ KONDIBHAU SANAP &
ANOTHER

...
AGP for the applicant – State : Mr.B.V.Virdhe
Advocate for the respondent nos.1 and 2 : Mr.V.N.Rathod

...
CORAM : ARUN R. PEDNEKER, J.

DATE : 27.09.2023

P.C. :

A] ORDER IN CIVIL APPLICATION FOR
WITHDRAWAL

1] The present Civil Application is filed to

withdraw the amount deposited by the acquiring body in this Court.

2] The Appeal is filed by the acquiring body on the ground that compensation was not awarded by the Land Acquisition Officer for trees, and however, it has been awarded by the Reference Court, so also, the compensation is awarded for bandh i.e. embankments.

3] Having considered the material and the submissions made, I deem it appropriate to permit the applicants to withdraw 75% of the amount deposited along with interest accrued thereon in this Court on furnishing usual undertaking to the satisfaction of the Registrar [Judicial] of this Court. The remaining 25% amount to be deposited in the Fixed Deposit. The amount would be disbursed to the individual claimants. Civil Application is disposed of accordingly.

B] ORDER IN CIVIL APPLICATION FOR STAY

The applicant – acquiring body has deposited entire award amount in this Court. The interim stay granted by this Court stands confirmed. Civil Application is disposed of accordingly.

C] ORDER IN FIRST APPEAL

1] First Appeal is **admitted**.

2] On admission, Mr.V.N.Rathod, learned counsel waives notice for the respondent nos.1 and 2.

3] Call R. & P.

4] Office objections, if any, to be removed within four weeks from today.

[ARUN R. PEDNEKER]
JUDGE

DDC