

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

986 CIVIL APPLICATION NO.5244 OF 2023  
IN FAST/20836/2016 WITH CA/14177/2016 IN  
FAST/20836/2016 WITH CA/14178/2016 IN  
FAST/20836/2016

**SHIVAJI NARAYAN BIRADAR AND OTHERS  
VERSUS  
THE G.M.I.D.C. THR THE EXE ENGINEER, SAKOL MEDIUM  
PROJECT DIVISION, LATUR AND OTHERS**

...  
Mr. Subhash Chillarge, Advocate for the applicants.  
Mr. A.M. Gaikwad, Advocate for respondent No.1.  
Mr. S.S. Dande, A.G.P. for respondent Nos.2 and 3.  
...

**CORAM : SANDIPKUMAR C. MORE, J.**

**DATED : 20<sup>th</sup> April 2023.**

**ORDER:-**

. At the request of learned Counsel for appellant Acquiring Body, leave to correct names of respondent Nos.2 and 2A in the appeal is granted. Similarly, time to carry out the amendment in respect of deceased respondent No.14 is also extended by one week.

**IN CIVIL APPLICATION FOR WITHDRAWAL OF AMOUNT :**

1. Heard rival submissions.
2. The applicants are seeking withdrawal of the entire amount of compensation alongwith the interest accrued thereon, which has been deposited by the Acquiring Body.

3. The learned counsel for the respondent Acquiring Body opposed the application on the ground that the Reference Court has granted the interest from the date of notification instead of date of award.

4. In view of the same and considering the enhancement granted by the learned Reference Court, the applicants are permitted to withdraw 75% 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.

**IN CIVIL APPLICATION FOR STAY :**

Since the appellant Acquiring Body has deposited entire compensation amount, the application is made absolute in terms of prayer clause (A) and disposed of.

**(SANDIPKUMAR C. MORE, J.)**