

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

944 CIVIL APPLICATION NO.9769 OF 2023
IN FA/2073/2021 WITH CA/10177/2021 IN FA/2073/2021
WITH CA/10179/2021 IN FA/2073/2021

**SUREKHA BALIRAM SURWASE
VERSUS
EXE. ENGINEER, IRRIGATION PROJECT STRENGTHENING
DIV., OMERGA, AND OTHERS**

AND

945 CIVIL APPLICATION NO.9770 OF 2023
IN FA/1311/2021 WITH CA/7806/2021 IN FA/1311/2021
WITH CA/7805/2021 IN FA/1311/2021

**PAVITRA SATYAWAN SURWASE
VERSUS
EXE. ENGINEER, IRRIGATION PROJECT STRENGTHENING
DIV., OMERGA, AND OTHERS**

AND

946 CIVIL APPLICATION NO.9784 OF 2023
IN FA/2072/2021 WITH CA/10176/2021 IN FA/2072/2021
WITH CA/10175/2021 IN FA/2072/2021

**BALIRAM NAGNATH SURWASE
VERSUS
EXE. ENGINEER, IRRIGATION PRO. STRENGTHENING DIV.,
OMERGA, AND OTHERS**

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Mr. P.S. Chavan, Advocate for the applicants.
Mrs. Sunita Shelke, Advocate for respondent No.1.
Mr. S.N. Kendre, Mr. B.V. Virdhe and Mr. S.P. Tiwari, AGPs for
respondent No.2 in respective applications.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 09.08.2023.

ORDER:-

IN CIVIL APPLICATION NO. 9769/2023 IN FA NO. 2073/2021

IN CIVIL APPLICATION NO. 9770/2023 IN FA NO. 1311/2021

IN CIVIL APPLICATION NO. 9784/2023 IN FA NO. 2072/2021

1. Heard rival submissions.
2. The respective applicants are seeking withdrawal of their respective amounts of compensation, which have been deposited by the Acquiring Body alongwith the interest accrued thereon.
3. The learned counsel for the respondent Acquiring Body strongly opposed the applications on the ground that the Reference Court has granted exorbitant amount of compensation, which is nearly ten times of the amount granted by SLAO.
4. It appears that, the appellant Acquiring Body was asked to deposit 75% of the amount of impugned awards. But it is pointed out that the Acquiring Body has not deposited the interest amount from the date of award and not from the date of possession as awarded by the learned Reference Court. In view of the same and considering the enhancement granted by the learned Reference Court, the applicants are permitted to withdraw the entire deposited amounts of compensation alongwith the interest accrued thereon till date on usual

undertaking to the satisfaction of the Registrar (Judicial) of this court.

5. The civil applications are accordingly disposed of.

IN CIVIL APPLICATION NO.10177/2021 IN FA NO.2073/2021

IN CIVIL APPLICATION NO.7806/2021 IN FA NO.1311/2021

IN CIVIL APPLICATION NO.10176/2021 IN FA NO.2072/2021

. The application for condonation of delay appears to be filed inadvertently. The appeal is in time and therefore, the application for condonation of delay stands disposed of.

IN CIVIL APPLICATION NO.10179/2021 IN FA NO.2073/2021

IN CIVIL APPLICATION NO.7805/2021 IN FA NO.1311/2021

IN CIVIL APPLICATION NO.10175/2021 IN FA NO.2072/2021

. Heard. The learned Counsel for the respondents claimants though opposed the applications, but since the appellant – Acquiring Body has deposited amount of compensation as directed by this Court in these applications, the applications are made absolute in terms of prayer clause-B and disposed of.

(SANDIPKUMAR C. MORE, J.)