

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

921 CIVIL APPLICATION NO.9087 OF 2023
IN FA/2322/2023 WITH CA/15976/2022 IN FA/2322/2023

BABASAHEB VITTHAL MORE
VERSUS
THE EX. ENGINEER, MINOR IRRIGATION DIVISION, (LOCAL
SECTOR) JALNA AND ORS

...
Advocate for Applicant : Ms. Pratibha J. Bharad
AGP for Respondent Nos.2 & 3: Mr. B. V. Virdhe
....

**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 11/08/2023.**

P. C. :

A) ORDER IN C.A. NO.9087 OF 2023 :

1. Heard learned counsel for the applicant as well as learned AGP. The learned counsel for the acquiring body despite appearance, remained absent. He was also absent on last date.
2. The applicant is seeking withdrawal of the entire amount of compensation, which has been deposited by the acquiring body alongwith the interest accrued thereon.
3. The learned AGP pointed out that the learned reference court has also granted separate compensation in respect of the trees and therefore, the criteria of four times is not applicable.
4. However, considering the enhancement granted by the learned reference court in respect of the trees, the applicant is 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.

B) ORDER IN C.A. NO.15976 OF 2022 :

Since the appellant – acquiring body has deposited amount of compensation as directed by this court, the application is made absolute in terms of prayer clause-B and disposed of.

(SANDIPKUMAR C. MORE, J.)