

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

920 CIVIL APPLICATION NO.9622 OF 2023
IN FA/832/2022 WITH CA/6147/2022 IN FA/832/2022

ASRABAI W/O RAMBHAJI GAIKWAD
VERSUS
THE EXE. ENGINEER, NANDUR MADHMEDHSWAR CANAL, VAIJAPUR
AND ORS

...
Advocate for Applicant : Mr. n. j. Pahune Patil H/F Pahune Patil Sagar
Nandkishor

AGP for Respondents-State : Mr. S. B. Pulkundwar
Advocate for Respondent No.1 : Mr. B. R. Surwase

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CORAM : ARUN R. PEDNEKER, J.
DATE : 03/11/2023

PER COURT :

1. Heard the learned Advocate representing the respective parties.
The learned Advocate for the applicant submits that before the
Reference Court in other matters, the 100% amount is deposited and
withdrawn by the claimants.

2. The learned Advocate appearing for the original appellants
submits that in the instant case the amounts are granted for houses
which were not so in the matters which were before the Reference
Court. So also the land value in those cases is Rs.11,109/- per R,
whereas in the instant case the valuation is Rs.22,300/- per R. The
land concerned with the Reference Court in which the amount is

accepted are dry lands as far as the instant case are irrigated lands.

3. The learned Advocate appearing for the Acquiring Body submits that the appeal is not yet filed but they are in the process taking opinion in that regard. The learned Advocate appearing for the Acquiring Body also submits that there is increase of 18 times in the award granted by the Reference Court.

4. Having regard to the fact that the awards of 2018 and the land acquisition authority has not filed appeals in some of the awards, I deem it appropriate to permit applicant to withdraw the 75% amount deposited in this Court along with accrued interest thereon till date subject to filing of undertaking to the satisfaction of the Registrar (Judicial) of this Court.

5. Upon such undertaking is produced, the Registrar (Judicial) to disburse the amount as directed above. The civil application for withdrawal of amount is disposed of accordingly.

6. List the matter on 05/01/2024

7. Interim stay granted earlier to continue till then.

(ARUN R. PEDNEKER, J.)

vj gawade/-.