

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

928 CIVIL APPLICATION NO.15846 OF 2022
IN FA/2570/2019 WITH CA/1864/2023 IN FA/2577/2019 WITH
CA/1863/2023 IN FA/2564/2019 WITH CA/1861/2023 IN
FA/2579/2019 WITH CA/1859/2023 IN FA/2571/2019 WITH
CA/1865/2023 IN FA/2573/2019 WITH CA/1860/2023 IN
FA/2574/2019 WITH CA/1862/2023 IN FA/2575/2019

**RAM EKNATH KOMPALÉ
VERSUS
THE STATE OF MAHARASHTRA, THROUGH THE COLLECTOR,
LATUR AND OTHERS**

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Advocate for Applicant : Mr. Sontakke G.K.
and Mrs. P. G. Sontakke (Patil)
AGP for Respondents – State : Mr. B. V. Virdhe
Advocate for Respondent No. 3 : Mr. S. G. Sangle,
Mr. H. B. Nandagavle

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CORAM : SANDIPKUMAR C. MORE, J.

DATE : 28.02.2023

PER COURT :

Heard rival submissions. The applicants in all these applications appearing withdrawal of their respective balance amounts of compensation. The applicants have already withdrawn their respective share of 50% of the deposited amounts.

2. The learned counsel for the applicants submits that this Court had allowed the applicants to withdraw 50% of the deposited amounts under order dated 11.10.2019. However, some other claimants, who are identically placed as that of these applicants had

gone to the Hon'ble Apex Court for modification of order and the Honouable Apex Court vide order dated 28.03.2021 permitted those claimants to withdraw their remaining 40% amounts of compensation.

2. The learned counsel for the Acquiring Body strongly opposed the application on the ground that these applicants did not approach the Hon'ble Apex Court for seeking such modification, and therefore, they cannot get benefit of the aforesaid order of the Hon'ble Apex Court. However, on perusal of the said order, it appears that Hon'ble Apex Court while granting permission to withdraw the balance amount has observed that such withdrawal was permitted having regard to the facts of the case on hand and looking at the quantum of enhancement made by the Reference Court.

3. It is not disputed that the same rate was granted by the Reference Court in the matters which had gone to the Hon'ble Apex Court. Therefore, considering the similarly of the facts in all these cases, the present applicants are also entitled for withdrawal of balance amount.

4. In view of the above, all the applicants are permitted to withdraw their respective remaining 50% amounts along with the accrued interest thereon by furnishing solvent surety / security to the satisfaction of the Registrar (Judicial) of this Court.

5. The applications are accordingly disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

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shp/-