

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

**943 CIVIL APPLICATION NO.14377 OF 2022
IN FA/1058/2023**

**DADARAO DULBAJI ARDAD DIED THROUGH LRS
RAMESHWAR DADARAO ARDAD
VERSUS
THE STATE OF MAHARASHTRA**

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Mr. Rajesh Mewara, Advocate for the applicants.
Mr. S.S. Dande, Advocate for respondent Nos.1 and 2.
Mr. V.V. Tarde, Advocate for respondent No.3.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 30th March 2023.

ORDER:-

1. Heard rival submissions.
2. The applicants are seeking withdrawal of the entire amount of compensation, which has been deposited by the Acquiring Body alongwith the interest accrued thereon.
3. The learned counsel for the respondent Acquiring Body strongly opposed the application on the ground that the Reference Court has granted exorbitant amount of compensation in respect of trees, which is eight times of the amount granted by SLAO.
4. However, the learned Counsel for the applicants submits that the Acquiring Body has not filed any appeal in other similar matter wherein such enhancement was granted

by Reference Court in respect of the trees. The learned Counsel for the Acquiring Body has also agreed for the same. In view of the same, 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.

(SANDIPKUMAR C. MORE, J.)