

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

**976 CIVIL APPLICATION NO.11211 OF 2023
WITH
FA/795/2023 WITH CA/1286/2023 IN FA/795/2023**

**PRAKASH RATANLAL KASARI
VERSUS
THE STATE OF MAHARASHTRA THROUGH COLLECTOR JALNA
AND ORS**

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Advocate for Applicant:
Mr. S. S. Patnurkar i/b J. P. Legal Associates
AGP for Respondent/State: Mr. K. B. Jadhavar
Advocate for Respondent No.3:
Mr. Mukul S. Kulkarni

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**CORAM : ARUN R. PEDNEKER, J.
DATE : 21st SEPTEMBER, 2023**

PER COURT:

1. Heard the learned counsel for the parties. The present first appeal is filed by the acquiring body on the ground of interest being granted to the claimants from the date of the notification under section 4 and also on account of grant of compensation for trees which was not mentioned in the award. This court has issued notice in the appeal and granted stay subject to the deposit of 75% of the compensation amount.

2. The present application is filed for withdrawal of the amount. The learned counsel for the applicant points out that the land acquisition officer has also granted certain amount for the trees and, where there are no trees in the acquired lands the reference court has not granted compensation for trees. He submits that even if the appellant succeeds in the matter, it would at best be reduction of 25% of the compensation granted by reference court.

3. In view of the same, the applicant is permitted to withdraw the 75% of total amount of compensation deposited in this court, 50% on the usual undertaking to the satisfaction of the Registrar (Judicial) of this court and 25% of the balance amount on the surety / security being given to the satisfaction of the Registrar (Judicial) of this court. The civil application for withdrawal of amount is disposed of.

4. Since the amounts are deposited in terms of the directions of this court, the stay granted

earlier is confirmed. The civil application for stay is disposed of.

5. The appeal is **admitted**.

6. Call R & P.

7. On admission, Mr. S. S. Patnurkar instructed by J. P. Legal Associates, learned counsel waives notice for respondent no.1. The learned AGP waives notice for respondents no.2 and 3.

[ARUN R. PEDNEKER, J.]

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