

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

23 CIVIL APPLICATION NO.16283 OF 2022
IN FA/1167/2022

SARASWATIBAI W/O RAMNIWAS SOMANI
VERSUS
THE EXE. ENGINEER, MINOR IRRIGATION DIV. NO.1, M.I.D.C.,
AURANGABAD AND ANOTHER

Advocate for Applicant : Mr. Pahune Patil Nandkishor J.
and Mr. S.N. Pahune Patil
Advocate for Respondent No.1 : Mr. B. R. Survase
AGP for Respondent No. 2 : Mr. A. B. Chate

CORAM : SANDIPKUMAR C. MORE, J.
DATE : 23.01.2023

PER COURT :

Heard rival submissions. The applicant is seeking withdrawal of entire compensation. The learned counsel for the Acquiring Body strongly opposed the application on the ground that though the compensation in respect of land is within four times, but exorbitant compensation has been granted for fruit bearing trees. In view of the same, the applicant is permitted to withdraw 75% of the deposited amount, 50% on usual undertaking to the satisfaction of Registrar (Judicial) of this Court and 25% on furnishing solvent surety / security along with the proportionate interest thereon till date.

2. The remaining amount be invested in the F.D.R. in any Nationalised bank on yearly renewal basis till final disposal of appeal.
3. The application is disposed of accordingly.

(SANDIPKUMAR C. MORE)
JUDGE