

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

**24 CIVIL APPLICATION NO.16285 OF 2022
IN FAST/34898/2021**

**NANASAHEB SHANKARRAO GAIKE AND ANOTHER
VERSUS
THE EXE. ENGINEER, MINOR IRRIGATION DIV. NO.1, G.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. S. W. Munde

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CORAM : SANDIPKUMAR C. MORE, J.

DATE : 23.01.2023

PER COURT :

Heard rival submissions. The applicants are 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 applicants are permitted to withdraw 75% of the deposited amount, 50% on usual undertaking and 25% on furnishing solvent surety / security to the satisfaction of the Registrar (Judicial) of this Court along with the proportionate interest thereon.

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

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shp/-